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CHARLES EVANS HUGHES

FOR both quality and comprehensiveness, Mr. Pusey's biography of Charles E. Hughes merits great praise.[1] The temptation to call it a massive representation of a massive figure must be resisted, because it might wrongly suggest those white marble statues in the rotunda of the Capitol in Washington. Impressive as was the Hughes personality and achievement, and broad and solid as is Mr. Pusey's presentation, what we are also given is an intimate portrait of a rich human personality which lay underneath the external formality and rigor of the man of thought and action dominated by a sense of duty and service. Naturally the main stuff of the biography is the report and appraisal of the public record, and this alone would give permanent value to the contribution for those not already familiar with it; but what is infused into this from the personal and private life greatly enhances the significance and charm of the whole.

This enhancement was made possible by the coöperation of Mr. Hughes and his children and by many others with whom Mr. Pusey had interviews or correspondence. The Chief Justice did not think well of autobiographies and so refrained from committing one. He, however, knew that others would inevitably write of his career, as many had already done in part, and so in his leisure after his retirement he dictated several hundred pages of biographical notes and had numerous conversations with Mr. Pusey, answering his questions freely and at length. In knowing what to inquire about, Mr. Pusey had the back-

[1] *Charles Evans Hughes*. By Merlo J. Pusey. New York, The Macmillan Company, 1951. Two Volumes. xvi, vii, 829 pp. $15.00.

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ground of familiarity with the Hughes papers in the Library of Congress and the Supreme Court and with part of his private correspondence. Though members of the family read Mr. Pusey's manuscript and made suggestions, he says of their interchanges: "In no instance, however, did they request me to alter any conclusion. Responsibility for the tone of the work, for its imperfections, and for its appraisal of Charles Evans Hughes as a man and a public figure is entirely mine. It is an authorized but not an official biography." [2]

Had Mr. Hughes had no public career or official achievements, this biography would still be of interest as the revelation of a personality. Notwithstanding a life of decorum and dedication, he loved play and wit and travel and tramping. He was not a teetotaller; at different times he was a smoker; in early years he was fond of whist, and on a two weeks' vacation at Block Island he responded to the invitation of Mr. Justice Samuel Miller of the United States Supreme Court to make a fourth. On their last evening of play the Justice said to him: "Well, Hughes, if you will practice law as well as you play whist, I think you will get along." His inquiring mind early led him away from the theological orthodoxy of his parents, but he was gentle toward them in defending his views and was in all ways a devoted and dutiful son where there was no compromise with his personal independence of judgment and his intellectual integrity.

Doubtless these growing divergencies of outlook made the student and young lawyer a lonelier person than is revealed by his biographer. Yet these were years so crowded with study and practice and with friendships with fellow students and colleagues that such loneliness as there might be must have been wholly an inner one. There is no evidence that he pined because of his emancipation from his traditional background, in spite of regretting the pain it caused his parents. Nonetheless the emotional and intellectual complete comradeship and deep satisfaction in his marriage may well have been enhanced by the contrast with the divergence that had preceded. Mr. Pusey's revelations of the unbounded devotion between the two and their fun on vacations and anniversaries are most moving.

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They come from intimate letters and aid in correcting the picture of an animated machine which for so long was wrongly taken as trustworthy by many without personal acquaintance. This may be why the biographer and the family felt that the cloak of privacy might properly be laid aside after life for both had ended. This may well be deemed so much in their own province that it is not for others to question the propriety of sharing what they are ready to receive.

Some reserve may be entertained also about the extent to which the Chief Justice talked with Mr. Pusey about some of his judicial colleagues in his two spans of service. Sometimes it is hard to tell when the author is drawing on such conversations and the typewritten notes which Hughes prepared as an aid at an earlier year, for the footnote references are by no means neatly allocated to all that is on the page above. Yet there is no doubt that Hughes wrote and talked fairly freely to his biographer while their joint work was in progress and we may well suspect that Mr. Pusey has better justification for many of his apparently unsupported statements than merely unwarranted surmises of his own. Again for all this we must be grateful, and the only reason for being surprised at some revelations is that the Hughes standard of decorum would not have permitted him even to hint at them while in active service. Biography of course is not an exercise in secretiveness, and there is little here about colleagues and their relationships that was not already known by a few. There is nothing that can after the years be rightly thought to leave a train of harm.

In view of all the assistance which the Chief Justice gave to his chosen biographer one can hardly escape the conclusion that he wished to have a record against misrepresentation after his death. He had certainly been the victim of a sufficient falsity of caricature during his life. Without protest he had borne such misrepresentation during a long life of public service. With full knowledge that strangers would seek to portray him for pecuniary or academic reasons, he ventured to help to keep the record straight. This is certainly a wiser way of contributing to history than is autobiography or ghost-writing or independent research by a stranger. For confirmation of its wisdom we may invoke both the collaboration here and that of

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Secretary Stimson and McGeorge Bundy in reporting on the former's long career in public office. These two biographies may well be acclaimed as the most satisfactory and valuable of the whole grist of recent years.

So long and so varied are the public careers of Mr. Hughes that no reviewer can hope to comment on all of them. He first came to wide public notice in the so-called Gas Inquiry in 1905 when he had been twenty years at the bar. The acclaim accorded to his report led to a summons in the summer to return from Europe and serve as counsel to the Armstrong Committee of the New York legislature created to investigate the affairs of the large life insurance companies centered in the state. For the story of this investigation Mr. Pusey had ample material to draw upon in the printed records of the hearings, the 500-page report written by Hughes but issued in the name of the Committee, contemporary newspaper accounts, and interviews with Mr. Hughes in 1946 and 1947. This mass of material might have swamped a clumsy transcriber, but Mr. Pusey in a brief twenty-page chapter gives a vivid account that covers adequately the interrogations and answers, the search for facts and the drawing up the final report.

Quite aside from the facts disclosed and the ensuing legislation from bills drafted by Hughes, this chapter is important for its exemplification of the way in which official inquisitions may be conducted with decency without loss of effectiveness. Though much of the evidence involved misbehavior by company officials and party politicians, dramatic squirming by witnesses and relentless persistence in questioning by the committe counsel, the end in view remained the abolition of insurance abuses and not the blackening of personal reputations. One might wish that this chapter could be made a Bible for the guidance of many present-day legislative investigating committees.

Mr. Hughes was aware of the importance of public understanding of complicated matters, and so he talked with reporters to clarify them. But as Mr. Pusey puts it, with a supporting quotation from a 1946 interview with the investigator: "By his frequent seminar sessions Hughes took the rough edges off many stories and convinced the reporters that he was 'trying to

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cut out a cancerous growth and restore the victim to health—not to slay dragons for the sake of public applause'." [3]

As Hughes without initiative or desire had been called to undertake these two investigations as a surgeon is summoned to wield a knife, so next as a surgeon he was summoned by the Republican hierarchy of New York State to give the appearance of health to their infected organization. When the Devil was sick, the Devil a monk would be. Not that the party bosses wanted to be monks or wanted any operation from Dr. Hughes that would effect any genuine or permanent cure. But they were sick and knew it and they hoped to remain in power by a pious gesture. They had seen other assumed reformers become capable of entertaining tolerable adjustments. And so unanimously in convention they nominated Hughes as their candidate for the governorship. They were not encouraged greatly when in response to their call he accepted "without pledge other than to do my duty according to my conscience", and added: "If elected, it will be my ambition to give the State a sane, efficient and honorable administration, free from bossism or of servitude to any private interest." [4]

To the two campaigns for the governorship and to the battles and achievements of the two terms, Mr. Pusey devotes one eighth of his 800 pages. Hughes was a novice as a campaigner and an amateur in executive administration and political leadership. But he secured a fair proportion of the reforms he sought in spite of the opposition of most of the party leaders. He went over their heads and took his case to the voters. He did not dicker with the legislators and their committees and he did not use patronage to induce acquiescence. Possibly one reason why he did not seek the rôle of party leader in any parliamentary sense was the all-sufficient one that he was not in fact a party leader. Another reason for sticking to what he regarded as his own last was a now somewhat outmoded notion in favor of the so-called "separation of powers". This, however, did not keep him from being the active opposite of a supine executive. He proposed, and indefatigably he addressed audiences throughout the state to stimulate popular pressure upon the legislators and party leaders to dispose of his proposals by adopting them.

[3] Page 151. [4] Page 173.

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The sources of his power were more than merely his high intellectual capacity. This was combined with a strong will, a readiness to fight with his argumentative skill and a personality that commanded confidence and respect. The effectiveness of these endowments was fostered by the fact that he was not a seeker after power or place for its own sake or for the sake of himself. The public jobs came to him as a client comes to a lawyer, and he could be lawyer for the public as for a client. Over and again Mr. Pusey quotes statements that show Hughes's only desire for himself strong enough to be called ambition was desire for success at the bar. As to judicial work, he seems to have felt differently at different times. At any rate he at once became happily absorbed in practice after his defeat for the presidency. Advocacy was always congenial to him, so far as appears. Given the cause, he could make arguments in its favor. His arguments were the best that could be made, though they did not always win. It was no disrelish of the rôle of counsel and partisan advocate that moved him twice to accept a place on the Supreme Court.

His first appointment was to succeed Mr. Justice Brewer as Associate Justice. It was offered by President Taft in April of the second year of his second term as Governor. His only hesitation about accepting had to do with his duty to finish his work at Albany. His doubt on this score was removed when he found that he need not qualify as Justice or resign as Governor until the second week in October. He was confirmed by the Senate on May 2, 1910, with no dissenting vote in a brief executive session. He took his seat on October 10 and retained it until June 10, 1916, when he resigned to accept the Republican nomination for President. He had not been ignorant of what was going on in party conclaves and correspondence, but he had given no sign as to whether he would accept if nominated. Yet he had no hesitation when the call came. He deemed it a call of duty, and judicial colleagues and others wrote to him in that vein. Part of the duty as he conceived it was the elimination of President Wilson. There was no doubt of his conviction in favor of Republican control of the country, little as he had approved of Republican leadership in New York. This is not to say that he was wholly unbiased, objective or judicial.

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This decision to leave the bench for candidacy for political office has been the most widely and most justifiably criticized of all the actions in the entire Hughes career. There is no hint that he did anything to encourage the opportunity or that his votes in Supreme Court cases had been motivated by any thought of such possibility. Nevertheless his acceptance has been thought by many to offer possible future temptations to later Supreme Court justices to have political preferment in mind when divining the correct interpretation of the Constitution. We may leave the issue to those who can take sides with confidence. Mr. Pusey is persuaded that the decision was the dictate of a sense of duty and not a response to a siren call of ambition, and there is abundant evidence in the whole career of Hughes that he thought so too. In this he may have been deluded in the view of the partisans of President Wilson. In the minds of those who engineered the summons, Hughes again was called in as a surgeon to reduce the fracture of a disrupted party.

With the aid of the Hughes archives and notes and interviews, Mr. Pusey has added to historical knowledge of the nomination, the ensuing campaign and the ultimate defeat. There are chapters on " The California Incident ", " The War Issue ", and " Defeat Without Bitterness ". The ineptitude of various features of the campaign is thought to be responsible for the defeat without attributing it wholly to the California débâcle. It was a trying time for Hughes until the votes were all counted, but apparently there was no lasting wound. In his notes he later wrote: " While of course I did not enjoy being beaten, the fact that I did not have to assume the tasks of the Presidency in that critical time was an adequate consolation." [5] After a brief rest the now private citizen plunged into a busy and remunerative law practice in a new partnership with his son and took part in many civic activities and civilian war work. Much to his credit was his leadership in the unsuccessful effort to prevent the expulsion by the New York state legislature of duly elected members because of their affiliation with the Socialist party.

Mr. Pusey is of the opinion that Hughes could have been

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nominated by the Republicans in 1920 and elected president. He positively refused to be considered. There was a general disinclination, but a most compelling reason was the death of their daughter Helen from tuberculosis. After the nomination of the lamentable Harding, Hughes issued a statement praising him " and expressing the belief that his election would ' afford the surest way of securing our proper relation to international co-operation '." [6] Later he welcomed the appointment as Secretary of State and did valiant service in administering the affairs of the Department and in strenuous efforts to promote the cause of international coöperation, peace and disarmament. How wise and effective it all was must be left to other appraisers. Mr. Pusey thinks that Hughes served larger interests by not resigning when it became clear that the President had no plan for American participation in the League, though this was in contravention of assurances that had been given by both Harding and Hughes.

We are not compelled to agree with all these judgments in order to be grateful for the fullness with which Mr. Pusey treats the Hughes participation in international relations. A quarter of his space is given to this phase of his subject's service including his comparatively brief and relatively insignificant participation in the proceedings of the World Court, to which he was appointed three years after he resigned as Secretary of State. In the interim between his two offices Mr. Hughes had resumed the practice of law with distinction and success. In his best year, reports Mr. Pusey, " his straight legal fees amounted to $400,000." [7] He rejected many of the cases offered him. He sought not to capitalize on his previous judicial experience or on his familiarity with international relations; but he did not reject a case because it might arouse public criticism if he thought " there was a valid argument to be made in behalf of a client." Valid, one suspects, did not mean what the Court was bound to accept. Who knows ahead what is " valid " when our judicial interpreters and fashioners divide five to four?

Perhaps it was the lawyer in Hughes that kept him from public protest when scandals besmirched his colleagues in the cabinet. Mr. Pusey exculpates him on several grounds. It was

[6] Page 404. [7] Page 636.

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a fact that he did not have early knowledge of what was going on. The matter of the oil leases was never brought up in cabinet. Mr. Hughes had a feeling for compartmentalized responsibility. It was not his province to investigate what was going on in other departments, and his hands were full in running that part of the government for which he was responsible. To these excuses Mr. Pusey adds that Mr. Hughes was "astonishingly tolerant of misconduct toward which he bore no responsibility" and that he had "a deep reluctance to judge his fellow men unless it became his official duty to do so." [8] Later after leaving the cabinet he was a party apologist at a state convention in saying that wrongdoing was not confined to any one party. There were rascals in all. He was a lawyer who would stick to his last and not hurt the President who appointed him. He was also a party man. Explanation is not always justification, but it may serve to inform and enlighten.

It may be doubted whether in the long run Mr. Hughes will be remembered as well for his political and administrative careers as for his judicial ones. There seems to be a permanence and continuity about service on the Supreme Court which lends to the work of the justices something of the immortality that is characteristic of the institution of which they are a part. Whether Mr. Pusey shares in any such judgment or feeling is not revealed. Only a quarter of his space is given to the six years as Associate Justice and eleven years as Chief Justice. The incidents of the appointments and the fight over confirmation as Chief Justice and the personal characteristics of colleagues and the personal relationships between them seem to hold equal rank with the decisions and the opinions. This is but natural in a book written for a wide audience in which laymen outnumber lawyers. It keeps the person in the foreground. In so far as the facts and judgments come from the notes and conversations of Mr. Hughes—and this apparently is far from slight—we are given insight which might otherwise never be conferred.

If the biography were not available for reading, it might be deemed a duty for a reviewer to give in detail the most interesting matters that are not embalmed in the law books. It

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would be a welcome task if paper and printing permitted. Hughes was not disappointed that he was not made Chief Justice in 1910, but the public rumors during the shilly-shallying of President Taft and the embarrassment of sitting with colleagues eager for the prize during the President's delay in making up his mind were most annoying. Taft had dangled the bait of the Chief Justiceship when inviting Hughes to succeed Associate Justice Brewer, though with a caveat that he must be free to decide when the higher vacancy should call for decision. Hughes cordially agreed with the wisdom of such a reservation and did not blame Taft for his final choice. It was the interim fumbling that bothered. Others, however, may well regret that we had the regencies of White and Taft before Hughes finally succeeded to the Chief Justiceship. His intellectual capacity, social outlook, judicial wisdom, capacity for growth, sense of reality, freedom from constraining doctrinaire dogma, and his other valuable statesmanlike qualities far exceeded theirs.

As some one other than Fuller would have succeeded Waite as Chief Justice had Waite but lived a little longer, so it is extremely likely that had Fuller died a few months earlier President Taft would have made Hughes Chief Justice. It has been assumed that one of the imponderables or ponderables in the contemporary situation was an awareness in various quarters that the fighting Governor of New York was a potential threat for higher political place and that the bench was a safe retreat as was the Vice Presidency when Theodore Roosevelt was supposedly shelved in that inconspicuous place. All the precedents favored the appointment of an outsider rather than an Associate Justice to the Chief Justiceship. No one can know, but the best opinion is that it was only because Hughes was already on the bench that he was not made Chief Justice. It is equally widely assumed that Hughes, if made Chief Justice in 1910, would not have thought it his duty to accept the Republican nomination for President in 1916 and would have been Chief Justice of the United States for thirty-one years, a tenure longer than that of Taney and close on the heels to that of Marshall—and this when the annual grist of important cases greatly exceeds that from 1801 to 1864.

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From all the evidence given by Mr. Pusey, no one need be sorry for Mr. Hughes that this long tenure was not his lot. He found both his practice and his post as Secretary of State most congenial, and the former most remunerative. What is most regrettable is that both White and Taft led the Court for the most part in the ways of a doctrinaire past of economic thinking. They were far closer in outlook to Van Devanter, McReynolds, Sutherland and Butler than ever was Hughes. Taft undoubtedly was a considerable factor in the appointments of some of his colleagues, Butler in particular. Whether Hughes would have been consulted by President Harding about judicial appointments had he been Chief Justice is of course unknown, but it is not unlikely. At any rate he would have been a superior figure to Taft in competence and outlook and influence as he was superior as a successor. Reading the life of Hughes led me to reread Pringle's *Life of Taft* and the difference in competence is striking and all in favor of Hughes. Of course Taft suffered unduly because Pringle had access to his private grouching correspondence, but for Hughes there was not similar private correspondence to suffer from.

Both Taft and Hughes made noteworthy contributions in streamlining the jurisdiction and procedure of the courts in the federal judicial system. Some of the changes which made the Hughes Supreme Court the more efficient were due to the earlier leadership of Taft. Yet Taft somehow seldom seemed to realize in execution the full fruition of the excellent ideas which from time to time he put forth. Perhaps his genial charm was not an energizing motor. In Hughes the drive was stronger, the technical efficiency nearer to perfect. In presiding over the Court he was superb. When counsel were lame in stating their case or their position, he would state it for them. He sought to help counsel and not to quarrel with them or trip them. The testimony is unanimous that in conference he was a master in outlining the issues for consideration, in classifying the cases that could be disposed of easily, in presenting those that needed analysis and debate, and in reducing the tendency toward wandering irrelevancies from which even wearers of the ermine have been known to be not wholly free.

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On the Court as elsewhere Hughes exhibited a capacity for work that was well-nigh titanic. He wrote 150 opinions for the Court when Associate Justice, and there were dissents in only nine cases. As Chief Justice he wrote 250 opinions for the Court. Mr. Pusey says that "one of the most striking characteristics" of his "work on the bench was his high degree of objectivity" [9] but then adds that no man "can obtain complete objectivity." Hughes himself when asked whether he was a liberal or a conservative said that those labels did not interest him. Mr. Pusey says that his "basic intellectual loyalty was to the ideal of justice itself." [10] If readers find this helpful, they are fortunate. He certainly was not a standpatter and not a radical. His mind was one open to argument and to influence by the facts in the particular situation calling for adjudication. He had a sense of the Court as a team. He was clearly the leader of the team, but his leading largely took the form of being its servant.

Mr. Pusey's catalogues and summaries of the opinions and decisions are within the comprehension of an educated layman and do not suffer because he is a layman himself. There might be deeper probing into some of the formalities that Hughes could fashion to make the law seem more consistent than it really is. He could pose polar opposites without confessing that they were opposites, but he would leave it clear what the Court was deciding. He wrote with more power than grace, but that may be a virtue as contrasted with more grace than power. His fame is not dependent on literary virtue but on much superior qualities. He easily is one of the three great Chief Justices and must be accorded a place among the first ten or fifteen judges who have sat on the Supreme Court. Above all, he was a rare human being. Fortunate is a people to have such a servant. Mr. Pusey has endowed us with riches in leaving us such a complete and well-rounded picture of a near-complete and well-rounded man.

THOMAS REED POWELL

CAMBRIDGE, MASS.

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THE BALANCE OF POWER VERSUS THE COÖRDINATE STATE

A GREAT debate on the character and purpose of American foreign policy has been precipitated by those who would persuade our people to abandon their humanitarian and pacific traditions and frankly adopt the doctrine of power politics and of the balance of power as the basis of their foreign policy. This doctrine is confessedly, nay gleefully, amoral. It prides itself upon being realistic and takes Machiavelli as its great teacher. It is contemptuous of the simple beliefs of honest men, jeers at the sentimentalism of those who believe that men may strive for peace among nations, and looks upon democracy as a hindrance to skilled diplomacy. It looks with a certain derisive superiority upon the great leaders of this nation from Jefferson and John Quincy Adams to Woodrow Wilson and Franklin Delano Roosevelt and describes them as moralistic and sentimental, and suggests that our models ought to be Richelieu, Clemenceau and Bismarck. Its adherents believe that international wars instead of being made by men and supported by institutions humanly contrived have their origin in the nature of man himself and are inevitable. The best they foresee is an armed balance of power—until the next war—and after that, more skilled diplomacy toward the achievement of the same inevitable end, a new balance of power ending in a new war.

This dreadful doctrine has now won wide acceptance by teachers and scholars in the field of international relations and has, in fact, become the leading theme in such circles in many of our largest universities. It has become the *science* of international relations—and who would quarrel with science especially when it comes packaged in good clear English and from high sources? But it is not science. It is make-believe. Its scientific basis is false and spurious. It is, in fact, only poor

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logic based upon false premises, and its claim to be a science is only a bit of unholy conceit. For what we are dealing with is not a tentative hypothesis put forth by humble men as a possible clue for other students to analyze, criticize, modify and reject—or partially accept. No, we are offered a doctrine for national behavior which runs counter to the very essence of the American tradition and are told to accept it in the name of the national interest because this science has discovered what that interest is.

This debate is of greater import to the future of the United States than the long running argument between the "interventionists" and the "isolationists". Both of these accepted the basic American belief in international good will, in the doctrine of friendship among nations, in the right of the little nation to abide in security and without fear, in the possibility of finding a way to peace among nations, in the sanctity of international treaties, in the authority of international law, and in the hope that the democratic way, by enhancing human dignity and widening human freedom, would ease the burden of conflict among men and nations. The "interventionists" and "isolationists" differed about how best to translate these ideas into formal policy, but they did not, with strikingly few exceptions, repudiate the doctrine by which this nation has lived from its very inception.

Now the advocates of *Realpolitik* would sweep away all of our old beliefs as foolish, sentimental and moralistic. They would have us build our future upon the concept of the balance of power in international relations, throw all morality and law out of the window as a hindrance and nuisance to skilled diplomacy, divide the world between Russia and ourselves, repudiating our past beliefs, as well as our promises, obligations and treaties that bind us to our many allies, and girdle ourselves by a permanent and huge military establishment—for what?—to carry the happy game of skilled diplomacy from one war to the next. Most of this is explicitly stated in the argument. Some of it, though not stated, is implicit, and constitutes a challenge to the democratic process itself. These doctrines, if adopted and implemented, would convert the United States into a centralized military empire, and in due time destroy the

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basic democratic institutions by which this government has prospered these many years.

This debate is just beginning. A good deal more will be heard of it in the coming years. The fact that so erudite a scholar as Professor Hans J. Morgenthau, of the University of Chicago, and so subtle a mind as George F. Kennan are the chief proponents of this dreadful doctrine in the United States will add zest to the debate. The appointment of Mr. Kennan as Ambassador to Russia gives his views immediate significance in American foreign policy. But the American people will not take this advice, for they cannot act upon it without ceasing to be both a Christian and a democratic people.

This essay is an attempt to state what has always been the American philosophy of international relations. It brings to the surface the beliefs and the ideals upon which this nation was built as a great federal system, and shows how these same commitments have shaped our foreign policy from the beginning.

We want to be clear on what the debate is about. One side believes that it is necessary, even inevitable, that the relations between nations be built upon the principle of the balance of power. The other believes that it is possible and desirable, if man wishes to save himself from destruction, to organize international relations on the basis of the coördinate state. The first derives its conclusions and its law from the modern national state system of Europe, the other from the experience of the federal system of the United States, from the development of the Organization of American States, from the recent adoption of the principle of the coördinate state on which to frame the Commonwealth of Nations and from the federal history of Switzerland. These two different conceptions of the basis of international organization carry with them underlying assumptions of the nature of man, of the possible rôle of human institutions as well as implicit attitudes toward the democratic process. The international relations of the United States have unconsciously been dominated by the belief that the relations between states can be made to rest only upon the ideal mutuality, the equal right to abide in freedom and the dignity of all nations—great and small.

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An international society, built upon the coördinate state, must of necessity behave differently from one resting upon the concept of centralized power. The first makes coöperation both the means and the ends of its policy. It can, in fact, have no other objectives. Its ends are determined by its means. Its objectives in international as in internal affairs can only be cooperation for the resolution of common difficulties, and its means can again only be coöperation. It accepts the doctrine of live and let live as a matter of course, for its own life is conceived of as a process of continuing accommodation within a world of nonviolent friction.

Friction and differences are taken for granted. They are recognized as a persistent phenomenon. There is no effort at an absolute or perfect solution. The meaning of peace is unwittingly redefined to mean, not the absence of serious difficulties or the disappearance of differences of interest, but the daily haggling over issues toward a workable compromise. An international society composed of "equal" members endowed with unequal resources requires the surrender of the "simplistic" notion of a "solution" of "problems". The very idea of "solution", and the concept of "problem" for which a permanent "solution" is to be had, are both felt to be delusive. *There are no "problems" and no "solutions" in the complex* of political society or in international relations. There are, in fact, no "social sciences" from which these final ends can be derived. And the beginning of wisdom in these matters is the recognition that man abides in a recalcitrant and imperfect universe.

The world is not fully malleable to the hand of man. All of life, all of society, all of international relations is a developing and changing series of forces upon which no stable form can be imposed by any method. The best that man may contrive are means toward a workable compromise so that change may take place without violence. Friction will go on, differences old and new will continually emerge, and no formula the "scientists", politicians and statesmen can devise will freeze the fleeting moment and permanently balk the hidden and contradictory flux that always moves through the world, and must do so as long as man survives on the face of the earth. These contradictory

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processes are life itself. If they ceased to be, life—personal, social or international—would also cease. The feasible is not a permanent "solution", but a channel for continuing adjustments among contradictory drives.

A substantial amount of balance between the forces of nature is esssential to survival, but the balance is never absolute and is always changing. A stable world is best described as one of relative instability. It is in that sense that there are no solutions and no problems, either within the nation or between the nations. But these compromises can be made only between recognized and existing entities. These entities must not only exist, but be recognized as existing, whether they be men, institutions, societies, corporations or nations. The recognition of their existence implies an acknowledgment of a claim upon all other similar beings because they can only survive mutually, and cannot live in absolute isolation. The condition of mutuality is an equal opportunity to survival, which in turn requires the acceptance of the equal dignity of the existing entities mutually interdependent.

This is the meaning of the "coördinate state" in international relations. It implies a position of equal dignity. It has nothing to do with wealth, power, size, population or culture. It has everything to do with the recognition that compromise is a continuing means of nonviolent friction (peace). It has everything to do with the acknowledgment of the unique sense of "historic personality" which each state has of itself as the only basis of a friendly relationship. It is only if all the states continue to have equal dignity among themselves that changes in power and wealth can be absorbed without undue violence. That is the essence of federalism in international relations. The coördinate state relationship makes it possible to accept the inevitable growth of some and the decline of other states without war and without the loss of "face", because the changes are gradual and absorbed through a process of accommodation by all the members who are equal to each other. Federalism embodies these traits and has been illustrated in many ways by the history of the United States.

The essential character of the American system derives from a federal relationship of coördinate states. Our expectancies

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and demands upon the world are conditioned by that fact. This does not mean that we have not in our relations to the outside world committed grave errors, and on many occasions denied our own beliefs. The traditional twisting of the "British Lion's tail" is but one example of a species of irresponsibility in international relations. Theodore Roosevelt's interference in the arbitration of the Alaska boundary dispute; his, "I took the Panama Canal"; Wilson's intervention in Haiti and Santo Domingo; the Platt Amendment; the arbitrary senatorial action on Japanese migration; the century-long bullying of Mexico; the numerous landings of American marines in Central America; the indifference to the feelings of foreign nations often expressed in Congressional debates; our constant preachments and moralizations; the subordination of our foreign policies to domestic politics; the support of "big business" and American investors in foreign countries, sometimes without due regard to the legitimacy of their claims; the lack of sensitivity to foreign culture and foreign values and, since the Second World War, the conscious but faltering support of colonialism—these are all part of the story of our failure to abide by our own commitments.

However, these variations from our own professed ideas are the side currents at the edge of the broad stream of our foreign policy. The major drift of our relations with the rest of the world have with more or less consistency responded to the basic tradition of the coördinate state. We have, with the exception of the short but more than memorable episode of the Freedmen's Bureau and Reconstruction, never for long deviated from the idea of equal dignity of the state inside our own federal system, and have therefore never long permitted ourselves to act overtly toward other nations as if we were a centralized state, concerned primarily with the security that rests upon military force and military alliances. We have always sought our security either in isolation or in coöperation with other nations of equal dignity.

This conception of the equal dignity of the state is therefore fundamental to our own thinking about the world. Just what do we mean by the equal dignity of the state? This is a crucial question, for it defines the character of our own federal system.

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More than that, this concept of the equal dignity of the co-operating state not only represents a basis for our own federal system, but lies at the root of the Organization of American States. What is more, it is a similar concept, not uninfluenced by the American experience, which has come to govern the British Commonwealth of Nations. This same basic definition of the equal dignity of the related members has shaped the long-successful Swiss Confederation. We are therefore dealing with a general principle of organization, of which the American federal system is but a type. And this system of international organization stands in the world as a contrast to the alternative idea of the balance of power between states, and to the doctrines of power politics advanced by the schools of *Realpolitik*, of which Professor Hans Morgenthau and Mr. George Kennan are, at the moment, the most widely recognized proponents in the United States.

Under the American Constitution the states are, in fact, equal in their political authority; and this equality is the condition of the survival of the federal system. It is true, of course, that the powers of the central government have greatly expanded in recent years, due largely to the interpretations of the commerce and welfare clauses of the Constitution. But this increase of the powers of the federal government was by consent of the Congress, and affects all of the states equally. It has set no discrimination between one state and another. Furthermore, the states could by a constitutional amendment, were they so minded, recover whatever part of the powers of the federal government has accrued to it in recent years.

In the American federal system, therefore, there can be no member of lesser dignity or lower status. Legally, they are all endowed with the same kind of independence, possessed of like privileges and subject to similar limitations and duties. The differences between the states are measured by size, population, resources and wealth and not by status and privilege. There are within our federal system no high and no low, no great and no lesser, state.

This description of the place of each separate state in the United States can be applied to the position of each nation within the Pan American system. The differences between the

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United States and the Pan American system are very great. The first is a nation with a central government, the other is a loose organization resting upon the consent of its members. But each separate entity of either structure in relation to the other members is very much the same.

In the Pan American system (The Organization of American States as it is now called) each nation is legally equal to any other. Every member nation has one vote. There is no veto. There are no privileged nations grouped in a council possessed of powers denied to the other members. The charter of the organization guarantees each nation its territorial integrity, its sovereignty and independence. No nation or group of nations may intervene in any way in the internal or external affairs of any nation in this hemisphere. All international issues that arise between the member states " shall be settled by peaceful procedures ", and attack upon one member is an attack upon all the others. No nations may use economic or political pressure to " force the sovereign will " of any other state for the purpose of gaining some advantage to itself. The territory of each member nation is inviolable, and no territorial acquisitions or other privileges gained by force or other coercion are recognized. All members have an equal place on all of the important committees of the organization, and decisions are, in most instances, made by an absolute majority, in a few by a two-thirds vote.

In commenting on the relationship which exists between the nations in this hemisphere, Dr. Alberto Lleras, formerly president of Colombia and now Secretary General of the Organization of American States had this to say:

> Those nations have enjoyed, and will continue to enjoy, the inestimable advantage of being neighbors to one of the greatest empires in all history without suffering the fear of imperialism or the threat of violence, basking in an international order based on law which preserves their independence and guarantees their security and sovereignty more fully with each passing day.[1]

After pointing out that equality of voting power, democratic

[1] *The Results of Bogata.* Lecture series on the Bogata Conference, May 24, 25 and 26, 1948, Washington, D. C., p. 4.

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procedure and majority decisions characterize the working methods of the Organization of American States, Dr. Lleras added, " The same fundamental principle that guides the political life of this country [the United States] prevails in the basic rule of the Organization of American States." Clearly enough, the sixty-year-old organization that includes all of the twenty-one nations of this hemisphere has gradually acquired increasing power and prestige and has developed greater unity and identity. The charter itself speaks of the " spiritual unity " of the continent. This achievement was a matter of slow growth. But that it has grown to its present rôle and future promise is due to the acceptance of the principle that nations may differ in size, population, resources and power, but that they are alike in dignity and status, possessed of equal privileges and bound by equal duties. The Foreign Minister of Guatemala, Dr. Manuel Salich, expressed the basis upon which the Pan American system has survived—the older ideal of the coördinate state: ". . . here . . . geographic, economic and other differences do not count . . . and . . . our voice, which is that of a small country . . . has, thanks to the generosity of the other twenty Republics, the same moral rank as the rest. . . ." [2]

If the ideals of the coördinate state lie at the base of our own federal system and of the Organization of American States as well, they have also come to play the chief rôle in the development of the British Commonwealth of Nations. It is interesting to note that, at about the period of the American Revolution when James Wilson, Benjamin Franklin, Thomas Jefferson and James Madison were asserting the doctrine that each colony was coördinate within the Crown and legislatively independent of Parliament, some English publicists were advocating similar ideas as a basis for the reconstruction of the British Empire.[3]

Major John Cartwright, in a series of letters addressed to Parliament in 1774, pleaded for a reform of the British imperial system on substantially the same grounds as those urged by the

[2] Fourth Meeting of Consultation of Ministers of Foreign Affairs, Washington, D. C., *Proceedings*, Conference and Organization Series Number 12, p. 193.

[3] Robert Livingston Schuyler, *The Fall of the Old Colonial System* (New York, 1945), pp. 55-63.

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leaders of the American colonists. He believed that the Empire consisted of a group of states "equal in constitutional status", with coördinate legislatures and a common king.[4] The relations between the American colonies and the mother country he said were similar to those between Hanover and Great Britain or between Scotland and England before 1707. He argued that "I would consider the American governments, like that of Ireland, as sister kingdoms, and I would cement a lasting union with them as between the separate branches of one great family."[5] He wanted the colonies "to be free and independent states" with the King to remain sovereign "in like manner" as he is of Great Britain. He wanted them to be individually and collectively protected against every foreign Power and each guaranteed in its independence with respect to the other colonies. He also urged a treaty to establish a perpetual League of Friendship for mutual security against all other states. This change would be of great advantage to the Empire for then the King would "receive fifteen independent kingdoms in exchange for as many dependent, and *hardly dependent* provinces, and become the father of three million of free and happy subjects, instead of reigning joint tyrant over so many discontented slaves, or losing by revolt so many of his people."[6]

Similar ideas were advanced by Granville Sharp, the famous abolitionist who in 1774 urged in a pamphlet that the permanent recognition of separate legislative power for each colony ought to be adopted because they would then with the mother country "form *one vast Empire,* which will never be divided" because the maintenance of the British Constitution inviolate in all the colonies would provide "a sufficient band of union" between the imperial Crown of Great Britain and the overseas colonies.[7]

Another proponent of similar views was the widely known radical, Dr. Richard Price, who propounded his ideas in the *Observations of the Nature of Civil Liberty, the Principles of*

[4] *Ibid.*, p. 50.

[5] *Ibid.*, quoted, p. 58.

[6] *Ibid.*, quoted, pp. 59-60.

[7] *Ibid.*, pp. 60-61.

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Government, and the Justice and Policy of the War with America published in 1776. Professor Schuyler summarizes Dr. Price's views in the following words: "His ideal was a voluntary, co-operative alliance of self-governing states, co-ordinate with each other but united through the crown." [8]

The ideas advocated by Cartwright, Sharp and Price are strikingly similar to those that now provide the theoretical groundwork upon which the Commonwealth is made to rest. Winston Churchill gave eloquent expression to this basis of Commonwealth unity while paying tribute to late King George VI.

> There is no doubt that of all the institutions which have grown up among us over the centuries or sprung into being in our lifetime, the constitutional monarchy is the most deeply founded and dearly cherished by the whole association of our peoples. In the present generation, it has acquired a meaning incomparably more powerful than anyone had dreamed possible in former times. The Crown has become the mysterious link, indeed I may say the magic link, which united our loosely bound but strongly interwoven Commonwealth of nations, states and races. Peoples who would never tolerate the assertions of a written constitution which implied any diminution of their independence are the foremost to be proud of their loyalty to the Crown. We have been greatly blessed amid our many anxieties and in the mighty world that has grown up all around our small island, we have been greatly blessed that this new, intangible, inexpressible, but, for practical purposes, apparently all-powerful element of union, should have leapt into being among us.[9]

It required the American independence, the difficulties in Canada that led up to the Durham Report in 1839, the slow growth of constitutional federalism in Canada, Australia and New Zealand, the tragedies of the First World War, the bloody strife in Ireland and the stubborn, nonresistance movement in India before these ideas could come into their own. The change that has taken place is reflected in the new name for the old British Empire. It came to be called the British Common-

[8] *Ibid.*, p. 62.

[9] *New York Times*, February 8, 1952.

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wealth of Nations and more recently just the Commonwealth. The Commonwealth is, therefore, composed of formerly subject peoples. These have now become completely independent nations joined in a voluntary association, each enjoying the fullest sovereignty and complete equality of right. Great Britain is, in fact, only the older member of the Commonwealth and having the greater prestige and moral authority that has come to it from age, experience and a great historical rôle. It can make no law for, nor veto one made by, its former dominions; the members of the Commonwealth have no compulsory allegiance to Britain. A member of the Commonwealth can, as Eire did during the Second World War, remain neutral, deny the use of its ports to the Allied navy, continue diplomatic relations with the enemy and still be considered a member of the Commonwealth. The members of the Commonwealth pay neither tribute nor taxes to Britain. They control their own foreign affairs, have their own diplomatic representatives, their own armed forces, and make their own immigration policies. A member nation can secede and break its ties with the Commonwealth, as Burma has done, or remain within the Commonwealth and become a republic as Pakistan and India have done. The connection between the members does not rest upon a written constitution or a formal body of law. It would even be difficult to discover a fully documented theory that would describe the association. It is neither a nation nor a formal federation.

It is not, however, a mere collection of independent units. It is a flexible association of nations, capable of showing great strength and loyalty in a crisis.

Similarly, Switzerland is a federation composed of members possessed of identical legal status. The twenty-five cantons of the Swiss Confederation differ greatly in size. Grisons, for instance, has an area of 2,773 square miles and Zug of 92, while Bern has an estimated population of 790,000 and Uri only 29,000. These twenty-five cantons have varying forms of government, and the 3,107 communes of which they are comprised retain large degrees of home rule. The federal government, based on the Constitution of 1848 which was strongly influenced by that of the United States, has only limited powers,

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and, by more recent constitutional changes, federal legislation is subject to rejection and modification by popular referendum and initiative. The Swiss cantons have reserved for themselves more of their powers of government than the states of the United States. Federalism in Switzerland dates back to the Alliance between the three forest districts, Uri, Schwyz and Unterwalden in 1291. Other districts gradually adhered to the original three and, in spite of a turbulent and warlike history, the principle of federalism survived all vicissitudes. For centuries, general affairs were determined by a Diet composed of ambassadors acting under instructions. For nearly 600 years, the original members of the federation abided by the rule that all disputes between them should be settled by arbitration. Other members gradually joined the original league; Lucerne in 1332, Zurich in 1351, Glarus and Zug in 1352, Bern in 1353. As early as 1481 at the Diet of Stans, the principle of collective security was adopted in the resolution that they would come to the aid of a member attacked by another member. In 1815, the principle of absolute political equality of the cantons was embodied in allotting one vote to each canton, and territorial integrity of each secured by prohibiting the attack of one member by another. Switzerland stands as the oldest and, in some ways, the most successful federation in the Western World.

The history of the four widely different federations we have just discussed merits careful scrutiny by the student of international organization, for they each, in their own way, illustrate the principle of the coördinate state. They also make it clear that the acceptance of that principle is necessary to the growth and survival of a federal system. In the case of the United States, the debate ending in the Missouri Compromise reaffirmed the original proposition that all states stand in relation to each other as equals; that the older states could not sell " a provincial status " to a new state without undermining the foundations of the Union itself. This decision reaffirmed the earlier agreements on an equal vote in the Senate regardless of size of population, on nonintervention by one state in the affairs of another, through the provision for judicial settlement of disputes between states, on territorial integrity established in the rule that no state could be divided or united with another against its own

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will, and that the states reserve all of their powers not deposited in the federal government by the Constitution. The federal government is thus an indestructible union of indestructible states.

Similarly, in the case of the Organization of American States, it was necessary to reaffirm the coördinate position of each nation before the Pan American system could move forward to become a cohesive international body. That reaffirmation required the surrender of the right to intervention in the internal or external affairs for any reason whatsoever, the guaranteeing of the territorial integrity and the political independence of each member nation, the assertion of the principle of collective security, and the affirmation of political and juridical equality which could be fulfilled only by the outlawing of intervention. And, as in the case of the United States, it required that all disputes between members "shall be settled by peaceful means."

These same conditions have come to define the relations between the members of the Commonwealth of Nations. It is an association of equally independent and sovereign states. There are no great and no lesser members.[10] The Imperial Conference of 1926 agreed that the dominions were "equal in status, in no way subordinate to one another in any aspect of their domestic or external affairs. . . . Equality of status so far as Great Britain and the Dominions are concerned is thus the root principle governing our inter-imperial relations".[11] In February 1948, Ceylon's Independence Act declared that she was "a fully responsible member of the British Commonwealth of Nations, in no way subordinate in any aspect of domestic or external affairs, freely associated and united by a common allegiance to the Crown."[12] But in South Africa "the King for the purpose of reigning in and over the Union is created by our statutes. . . . The King is, therefore, the King of South Africa and not of the Commonwealth. But the Crown has not a 'vestige' of func-

[10] Richard Frost, ed., *The British Commonwealth and World Society* (London, 1947), p. 149.

[11] Quoted in *The Commonwealth and the Nations*, by Nicholas Mansergh (London, 1948), p. 33.

[12] *Ibid.*, p. 22.

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tional reality." [13] In Ireland the symbolic character of the Crown proved unacceptable and the oath was repudiated because it was, according to Mr. de Valera, "an intolerable burden".[14] The Irish preferred to be "externally associated". Mr. de Valera declared that "we are associated with the States of the British Commonwealth of Nations. We are not members of it." [15] To the Burmese, however, the idea of remaining even as an associate of a British Commonwealth proved unacceptable because they considered that the word British implied ownership or subjugation. In 1947, Mr. Thankin Nu, the Burmese Prime Minister, said that they were, however, prepared to consider association with a United Commonwealth. The change of name was made in 1948 in the Amendment of the British Nationality Act, but it was then too late.[16]

The demand for independent sovereignty of the members of the Commonwealth which was first fully manifested by the Irish in 1921 who wanted "external association" has been completely fulfilled. The concepts of dominion status, of a "British" Commonwealth, of the Crown as an essential symbol of unity for all members, have been rejected. The Commonwealth is a free association among completely sovereign states held together by tradition, common historical experience, interest, convenience and a belief that their common history is a bond much stronger than that which rests upon force or upon a symbol which, for reasons of past resentment, is unacceptable to some of the members. Unity here lies in freedom and identity.

It has been a slow process to convert a world-wide Empire into a free association. But the fact that such a change was possible reflects the resiliency of English constitutional traditions. The milieu of the twentieth century made the symbols of dominion over other peoples incompatible with the passionate na-

[13] "The Changing Commonwealth", F. H. Soward, ed., *Proceedings of the Fourth Unofficial Commonwealth Relations Conference, September 8-18, 1949* (Toronto, 1950), pp. 3-4.

[14] Mansergh, *op. cit.*, p. 201.

[15] *Ibid.*, p. 202.

[16] *Ibid.*, p. 11.

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tionalism that has dominated our time. The insistent claim by every people across the face of the earth of a "historical personality" which must not be denied or impugned has made imperialism, or even the mere trimmings of foreign rule, unacceptable. If the association of many nations, races and cultures which the British Empire represented was not to break up in hatred and strife, then the constitutional design that would hold them together had to be accommodated both to the political realities of the times and to the emotional overtones which they reflect. But once the reconciliation between the older ideas of empire and the more recent belief in the free "historical personality" has been achieved, then the association finds a sounder and more flexible basis of coöperation than it had before. For now all the associates are equal members of the same family. They are all inside the same house. They are strong with a strength that comes from moral identity and voluntary adhesion. In comparison, a military alliance resting on a balance of power is a rope of sand. On a much smaller scale and differently, the Swiss Confederation has found a similar unity based upon a recognition of diversity of race and language, differences of constitutional forms and varying historical traditions.

It will be objected that the use of the United States and Switzerland as examples of international organization distorts the meaning of the word "international". It ought, however, to be clear by now that what saved the American federation, and made it the kind of organization it is, is precisely the acceptance of the principle of identical sovereignty of the several states among themselves. If the Missouri Compromise had gone differently, our federal system would have gone with it, and the Union, if one had survived, would have been a centralized government plagued with the very difficulties of empire we have just been considering. The same is, of course, also true of Switzerland. The long federal history of that remarkable nation illustrates, in a hundred crucial points, the vitality of the principle of equal status. And it was not until that was finally and fully accepted for all cantons that the country settled down to a peaceful political history. It is, therefore, the same principle which operates in all of these four instances of successful inter-

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national organization based upon the idea of the coördinate states. In the American point of view, the concept of the coordinate state is a general principle of universal applicability. Otherwise how explain our ceaseless penchant for international organization?

The Continental Congress, the United States, the Organization of American States, the League of Nations, the United Nations, the North Atlantic Pact, and the effort to stimulate a European Union are all parts of the same story. In each of these instances, there is visible the common ideal of coöperation among equal states. How congenial that concept is to the American experience is illustrated at the very beginning of our history not only by the doctrine of equal legislative sovereignty for the colonies advanced by the early leaders as a proper basis for the organization of the British Empire, but in Benjamin Franklin's suggestion after the formation of the American Constitution that Europe follow our example and establish for itself a federal system. Benjamin Franklin was sagacious and experienced beyond most men and he not only knew the United States but had deep knowledge of England and the Continent. In the ripeness of his years, after helping frame the American Constitution, he felt that it represented a political system that Europe might well adopt for itself. In the year 1787, Franklin wrote to a European friend:

> I send you enclosed the proposed new Federal Constitution for these States. I was engaged four months of the last summer in the Convention that formed it. . . . If it succeeds, I do not see why you might not in Europe carry the project of Good Henry the 4th into execution, by forming a Federal Union and One Grand Republic of all its different States and Kingdoms; by means of a like Convention; for we had many interests to reconcile.[17]

The concept of federalism is, with the American people, bred in the bone as part of the idea of political freedom. We believe that security rests upon coöperation, that coöperation is possible

[17] Oct. 22, 1787 to Mr. Grand. *Documentary History of the Constitution of the United States of America*, Department of State, vol. IV (1905), pp. 341-342.

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only among equals, that equality eliminates the basic reason for political disruption because equals politically are "coördinate" in dignity and in rank, that this common identity is esssential for different states to achieve that unity which makes them members of the same political family. International coöperation from our point of view requires that all participating members be insiders, and that such a fellowship is in the end an "indestructible union". That is why the concept of a "balance of power" is alien and repugnant to the American people. We have condemned in others the policies derived from that concept and have rejected them for ourselves. Illustrative of this attitude is President Wilson's statement: ". . . the centre . . . of the old order was that unstable thing which we used to call 'balance of power' . . . a thing determined by the sword . . . thrown in on one side or the other." [18] And "If the future had nothing for us but a new attempt to keep the world at a right poise by a balance of power, the United States would take no interest, because she will join no combination of power that is not the combination of all of us." [19]

To the advocates of power politics and the balance of power, however, these American convictions and beliefs derived from their own experience are "intoxication with moral abstractions . . . which . . . has become the prevailing substitute for political thought." [20] And Wilson, because he advocated a League of Nations, was driven to "substituting for the concrete national interest of the United States the general postulate of a brave new world where the national interest of the United States, as that of all other nations, would disappear in a community of interest comprising mankind." [21] These same errors were committed by the leaders of the Second World War, Roosevelt and Hull. The reason for their failure is simple and obvious.

> How could statesmen who boasted that they were not "believers in the idea of balance of power"—like a scientist not believing

[18] Albert Shaw, *Messages and Papers of Woodrow Wilson* (New York, 1924), p. 584.

[19] *Ibid.*, p. 591.

[20] Hans J. Morgenthau, *In Defense of the National Interest* (New York, 1951), p. 4.

[21] *Ibid.*, p. 26.

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> in the law of gravity—and who were out "to kill power politics," understand the very idea of the national interest which demanded, above all, protection from the power of others? [22]

The American mind, according to Dr. Hans Morgenthau, has been "weakened in its understanding of foreign policy by half a century of ever more complete intoxication with moral abstractions." [23] The difficulty with American foreign policy is that it is burdened with "utopianism, legalism, sentimentalism [and] . . . neo-isolationism." [24] It does not understand that

> Foreign policy, like all politics, is in its essence a struggle for power, waged by sovereign nations for national advantage. . . . By its very nature this struggle is never ended, for the lust for power, and the fear of it, is never stilled. . . . In the life of nations peace is only respite from trouble—or the permanent peace of extinction.[25]

Our great mistake was to assume that the United Nations could be a substitute for the balance of power. We defined it in "Utopian terms of permanent peace and non-competitive, trustful cooperation among the great powers." American policy is wrong because it is interested in the "well-being of all mankind." [26] A nation is under no obligation to keep a treaty. It is, in fact, an "iron law of international politics that legal obligations must yield to the national interest." There is apparently no difference between nations that "have a flair for throwing burdensome obligations overboard in an elegant, unobtrusive fashion, or of chiseling them away with the fine tools of legal misinterpretation" like France has done, and Russia and Germany who "have the disconcerting habit . . . of . . . announcing . . . that a treaty has become a 'scrap of paper'." These matters are, after all, only "the lawyers' concern" which the statesman can take in his stride in pursuit of the "national interest." Nor need the great Powers be concerned about the

[22] *Ibid.*, pp. 32-33.

[23] *Ibid.*, p. 39.

[24] *Ibid.*, p. 92.

[25] *Ibid.*, p. 92.

[26] *Ibid.*, p. 114.

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interests of third parties; " great powers . . . have by tradition and logic . . . settled their disputes . . . over the regions where their interest, power and responsibilities were paramount." The business of statesmanship could not be carried on any other way.[27]

It is a legalistic illusion to believe that the United Nations is a substitute for power politics because it is obvious " from the political history of the human race that the balance of power and concomitant spheres of influence are of the very essence of international politics. They may be disregarded at the peril of those who choose to do so but they cannot be abolished." [28]

American policy, therefore, operates with " defective intellectual equipment ".[29] Our difficulties derive from our failure to recognize that the " balance of power " is as much a law of politics as gravity is a law of physics and is illustrated by all of human history. This law which apparently is basic to the " science " of international relations has been understood by all the great statesmen, who, each in turn, have successfully ruined their nations and made a shambles out of all those parts of the world where they have been free to work out the " law " and practice the science. Now we too, who have prospered by refusing to apply the science or believe in its basic law, are urged, on grounds of the " national interest ", to join the historical procession to national suicide by dividing the world between Russia and ourselves. The fact that it runs counter to every political instinct of the American people merely proves that we are possessed of a " defective intellectual equipment " and, if we consider it immoral and contrary to our experience to trade away the independence and freedom of other nations as part of the bargain, it shows that we are sentimental, moralistic, Utopian and neo-isolationist and we can refuse to take this advice only at our own peril because the balance of power like the law of gravity will work its way regardless of what foolish men may do.

Now we submit that all this has nothing to do with science,

[27] *Ibid.*, pp. 142-146.

[28] *Ibid.*, pp. 154-155.

[29] *Ibid.*, p. 159.

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and little to do with the infinitely complex influences that have shaped the history of man through time. We suspect that it is a very subjective and private view of the nature of man and of his rôle on earth. And that view seems to be that man is now and has always been in a sad estate from which he cannot extricate himself. He has no one to help him. He has no law to live by, no morality to support him; he has nothing except the "balance of power"—and if he will not believe in that, then God help him—but in this view of the world even that comfort is denied to man, for it could not abide any concept of a teleological universe. The interesting thing about this point of view is that it should either remain oblivious to or scorn the vast record of coöperative experience among men and nations, and that it should treat the relatively short and exceptional history of the European state system as equivalent to the history of the race across the face of time, and that it should deny the possibility and presumably the desirability of institutional development in the relations between nations. Institutions are presumably, by some undivulged "law", confined to grow only inside of the "sovereign" state. There must be no extra-national institutions; they would deny the "national interest" and make for "a brave new world" which is the greatest of political sins.

There is another statement of this theme of *Realpolitik* and the balance of power that comes from the influential and highly skilled pen of Mr. George F. Kennan.[30] In this exposition of the case, there is a kind of urbanity, a kind of sensitivity for the values and shortcomings of the American milieu and a kind of compassion for human frailty that robs it of much of its sting. It is so gently, so persuasively stated, that the reader finds himself carried along almost to the point of agreement until he realizes that this modest and restrained presentation is, in fact, a repudiation of every value we hold:

> I see the most serious fault of our past policy formulation to lie in something that I might call the legalistic-moralistic approach to international problems. This approach runs like a red skein through our foreign policy of the last fifty years. It

[30] George F. Kennan, *American Diplomacy, 1900-1950* (Chicago, 1951).

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> has in it something of the old emphasis on arbitration treaties, something of the Hague Conferences and schemes for universal disarmament, something of the more ambitious American concepts of the role of international law, something of the League of Nations and the United Nations, something of the Kellogg Pact, something of the idea of a universal "Article 51" pact, something of the belief in World Law and World Government.[31]

This is more than a challenge to our international policies of the last fifty years. It is a denial of the American beliefs that have sustained American political life from the beginning; for our ideas of foreign policy are part and parcel of our belief in human freedom, in the equality of men, and in the dignity and independence of nations. The extenuating feature of Mr. Kennan's presentation is its lack of consistency. There is internal evidence that the author has not really made up his mind about these important matters. He is still ambivalent and groping for the truth, and the "balance of power" has not achieved the status of a "law" like the law of gravity. This is, in our view, a saving grace—but the damage has been done, for an influential voice has been added to the attempt to persuade the American people that their traditional policy based upon the coördinate state is wrong and has proved a failure.

The proof often presented by those who would force us off our beaten path is the failure of the League of Nations. A particular instance is made to serve the ends of a universal law. The League having failed, then all international organizations must fail. But the reasons for the failure were numerous. That the League was not based upon the idea of the coördinate state was, in our view, one of its major weaknesses. If all the members of that body had had an equal voice, Italy's attack upon Ethiopia would have been defeated, and sanctions both economic and military would have been effectively applied. It will be said in reply that the small Powers would have committed the large ones to a possible war in which they would have borne a minor part. That may or may not be true. But the way to have avoided the greater tragedy which ultimately destroyed or weakened both the great and the small states was to have

[31] *Ibid.*, p. 95.

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acted as the small states would have acted—to enforce the principle that in the modern world there are no separate interests for the small or the large state, that their destinies are collectively involved in each other, and that the violation, by war and oppression, of the independence of even the smallest Power is, in the end, the denial of the possible survival without war even of the largest Power. For such violation, whatever the grounds on which it is justified, is in effect the building of aggressive power against other nations until they, too, are placed in jeopardy. In this view of the matter, the structuring of international organization on the coördinate state is the alternative to the balance of power, and to security without permanent militarization. Nor must we permit ourselves to be confused by the argument that the United Nations has failed and that the Atlantic Security Pact is the true substitute in the form of a military alliance. The Atlantic Security Pact is conceived of as a temporary and instrumental association of a defensive character organized for the purpose of implementing the ideal of the United Nations. It has nothing to do with the balance of power idea and less to do with dividing the world into spheres of interest between Russia and ourselves. Its objectives are aimed precisely at an attempt to prevent the permanent militarization which dividing the world into spheres of influence would require, and to escape the destruction of the democratic process which would follow in its wake.

The American people will not accept the program. They will not consent to the destruction of all that a hundred and fifty years of democratic life has brought them for the sake of being the masters of that part of the world which they could lay hold of. They will not do it because it runs against their grain, and because they have an alternative which seems more difficult to those hypnotized by the ideal of force and craft but is, in fact, easier and more consistent with our own traditional way with other people, and one we know how to live with because we have always done so. And that is the organization of as much of the world as we can upon the basis of the coördinate state, not for the sake of achieving a balance of power, but for the sake of building a basis of common defense upon a system of collective security open to all the nations of the world who wish

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to join it, without losing their independence or their dignity. It may prove impossible under present conditions to build such a system without having to fight a war with Russia, but then at least we will be fighting, as we did before, for the thing we consider worth defending with our lives and treasure. Equally important, our allies and partners will be fighting for things as dear to them as ours are to us. They will find their own values secured in a common defense and a common victory. And our enemy, Russia, will find the peoples of its own satellites striving to enter our common security system just because it is made to rest on the ideal of the coördinate state.

A balance of power settlement would lead our many allies and associates to conclude that they are mere pawns in a game of international politics played at their expense. They would cease to be partners in a great cause; for the division of the world into spheres of influence would automatically destroy the basis of the partnership in the West. That partnership rests upon the assumption that all the members are equal, that their rights cannot be bargained away, that they have to be consulted, that they have to consent freely to changes that affect them. It also rests upon the assumption that there are *no* spheres of influence—that the United States has no rights greater than the least of its members, and that the defense is a joined defense of a common interest, but that the common interest rests upon the particular and unique political personality of each member. It assumes a coördinate relationship, not the position of a great Power with many satellite Powers. The mere acceptance of the idea of a balance of power would undermine the basis of the relationship among free partners formed together and would convert it into an empire with satellites to be ordered about. It would convert the United States from a federal republic to an empire and ultimately destroy the republic. That is what the proposal really means, and that is why it will be resisted by the American people.

Such an arrangement would lead our friends to fall away from us feeling that they had been betrayed, as, in fact, they would have been. They, too, would seek the best bargain—temporarily—and play for higher stakes when the occasion offered. We would find ourselves weaker in the international

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field, not stronger. We would have voluntarily accepted a great moral defeat, and the power derived from a common cause among nations, all of whom felt identified through interest, belief and outlook, would have been irretrievably lost. The only remaining hope that an association of coördinate states could be gathered together to resist the attempt by Russia to dominate the world would evaporate. It is difficult to foresee a day more dark and hopeless than the one on which the American people could be persuaded to seek a temporary peace through deliberately sacrificing the principle of voluntary association among nations, and agree to divide the world between Russia and the United States.

No. With all of our shortcomings and failings, we will not accept the new science and follow the "will-o'-the-wisp" of *Realpolitik*. We will not abandon the faith we have lived by, nor deny the other nations the right to live in freedom and without fear. Our commitments are to a world of free men working together in free nations. The democratic faith that lies at the base of everything we cherish is the overriding law of American policy both at home and abroad. We cannot surrender our belief in the equal dignity of little nations without, in the end, abandoning our belief in the equal dignity of men. We will, if we have to, resist to the death the effort to subvert the world to a totalitarian despotism, but we will not bargain with it at the expense of other people and to the destruction of that sense of human integrity and national morality which is part of the substance of our very being. This may not be "science", but that is the way it is. We can do no other. Therein lies our strength.

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THE CZECHOSLOVAK CONSTITUTIONAL SYSTEM: THE SOVIET IMPACT

AS a country with a Western democratic tradition, Czechoslovakia is unique among Communist-ruled states. In 1918 the new Czechoslovak state had drawn consciously on the experience of the Western democracies, Great Britain, France and the United States, for its constitutional models.[1] Demonstrating remarkable stability in the midst of neighboring turmoil, the Constitution of 1920 had endured unchanged until 1938. Since 1948, Czechoslovak Communists have possessed unrestricted power and have increasingly looked to Russia for inspiration and guidance. The Constitution now in force was introduced in May 1948 and has thus been functioning for four years. Czechoslovakia offers, therefore, an interesting case study of the nature of the impact of the Soviet constitutional example on a country with a background profoundly different from that of Russia and other Communist states. How far has a nationally distinctive constitutional pattern been worked out? How far have Soviet constitutional principles and practices been imitated in the Czechoslovak situation? [2]

Making a New Constitution

In Czechoslovakia the stable Constitution of 1920 was overthrown, not by domestic revolution, but by outside blows—the Munich dictate of 1938 and the German occupation in 1939. Even these catastrophes did not utterly eliminate the original Constitution. At least in fiction, it was maintained in force by the Government-in-exile in London, which laid great stress on

[1] *Cf.* Edward Táborský, *Czechoslovak Democracy at Work* (London, 1945), pp. 13-14.

[2] *Cf.* a study of the Soviet influence on an Asiatic country of totally different background by John N. Hazard, "The Constitution of the Mongol People's Republic and Soviet Influences", *Pacific Affairs*, vol. XXI, No. 2, June 1948, pp. 162-170.

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the continuity of the régime and its provisional institutions with the pre-war constitutional régime in Prague. Even the Communists accepted *de facto* the principle of continuity, by recognizing the authority of the wartime President-in-exile, Edward Beneš, and the validity of decrees issued by him as legislative acts. The liberation in May 1945 restored the old constitutional system, at least temporarily, instead of inaugurating a new and revolutionary one. This " May revolution ", as it is now called, was roughly a Czechoslovak equivalent to the February revolution in 1917 in Russia, which had brought Tsarist autocracy to an abrupt close and established what seemed to be a provisional framework for permanent, constitutional changes through peaceful means.

The Košice program of the National Front government, including both Communists and non-Communists under Beneš as President, provided for the election in the shortest possible time of a Constituent National Assembly to " work out the new constitution of the Republic ". This Assembly was duly elected on May 26, 1946, and by a law of October 7, 1946 created a Constitutional Committee of 36 members to work out a draft and submit it to parliament for discussion. For fourteen months this Committee was the scene of bitter conflict among the major parties of the National Front coalition—a conflict settled in favor of the Communist party by the outcome of the February crisis in 1948. A new cabinet, overwhelmingly Communist, was formed, under Gottwald as Prime Minister, with the approval of the president, and the subsequent approval of the majority of the National Assembly. This Czechoslovak " October ", apart from the illegal deeds of the " action committees ", was achieved through nominally constitutional procedures, without violent revolution and civil war.[3] Nonetheless, like the October revolution in Soviet Russia, the February seizure of power destroyed the possibility of a continued parliamentary evolution and gave the Communists a monopoly of decision as to the future constitutional pattern of the country.

In Russia a new constitution was introduced in July 1918 to legitimize the system of government which had already emerged

[3] See *infra*, p. 45.

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de facto in the course of the revolution.[4] This was a constitution for merely one part of the old Russia, known as the Russian Soviet Federative Socialist Republic (R.S.F.S.R.). Only a few years later, the newly formed federal state, the Union of Soviet Socialist Republics (U.S.S.R.), acquired a new and different set of basic laws. The enactment of this constitution, in January 1924, necessitated the drafting of new separate constitutions for the R.S.F.S.R. and the other constituent republics of the new union.[5] Hardly more than a decade later, a Constitutional Commission, under Stalin's chairmanship, drafted a new charter which after discussion by the public at large was approved, in 1936, by the Congress of Soviets. This "Stalin Constitution" is the system of basic laws now valid in Soviet political life.[6]

The Czech Communists, having solidified their position of power in February, moved swiftly to replace the provisional post-war constitutional system with a new one. A draft constitution, basically the same as that originally proposed by the Communists in the Committee, was now submitted by this Committee for public discussion through the medium of the local action committees of the National Front. On May 9, a date deliberately selected, the anniversary of the liberation of Prague by the Red Army in 1945, the draft, with very slight changes, was adopted unanimously by the Constituent Assembly.[7] Klement Gottwald, exercising the presidential right after

[4] An English translation of the R.S.F.S.R. Constitution of 1918 is to be found in W. R. Batsell, *Soviet Rule in Russia* (New York, 1929), p. 80, and in James H. Meisel and Edward S. Kozera, *Materials for the Study of the Soviet System* (Ann Arbor, 1950), p. 79.

[5] The 1924 U.S.S.R. Constitution may be seen in English translation in Batsell, *op. cit.*, p. 303; in W. E. Rappard, *et al.*, *Source Book on European Governments* (New York, 1937), section V, p. 88; and in Meisel and Kozera, *op. cit.*, p. 152. The 1925 R.S.F.S.R. Constitution is given in English in Rappard, *op. cit.*, sec. V, p. 67.

[6] English text in Rappard, *op. cit.*, sec. V, p. 107, and in Meisel and Kozera, *op. cit.*, p. 242. Quotations in this article are taken from one of the sources given in this and the preceding footnotes, with occasional modification in the light of the original Russian wording.

[7] Text of the Constitution in Czech, together with an exposition of motives, signed by the chairman and *rapporteur* of the Constitutional Committee, and the debate in the Assembly on May 9, 1948, is available in *Ústava 9. května* (*The Constitution of May 9th*), Czechoslovak Ministry of Information (Prague, 1948), and in English, in *The Constitution of the Czechoslovak Republic* (Prague, 1948). The

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Beneš' resignation, gave his formal approval of the document which is now the basic law for the whole of Czechoslovakia. No separate constitution was considered necessary for Slovakia, inasmuch as the new state was not established as a federal system. Nor in the short period since 1948 has there been any need for change or replacement of this fundamental law.

Amalgam of New and Old

The Bolshevik revolution had proceeded, in accordance with Leninist doctrine, to " smash the old state " and to create a new *de facto* system of power, based on the revolutionary soviets.[8] In Czechoslovakia, the new Constitution, itself enacted in accordance with constitutional procedures, did not entirely abolish the old fundamental laws but incorporated many of their features, especially the provisions with regard to legislative, executive and judicial power and the political rights of citizens.[9]

The new Czech Constitution, however, also reflected the revolutionary changes which had occurred during and after the war. The " center of gravity ", the " core ", of the new charter was said to be the " anchoring of the results of the national and democratic revolution " of the Czechs and Slovaks.[10] This referred in particular to the new economic system and the social and economic rights of citizens, the national committees as a new system of public administration, and the new relations of Czechs and Slovaks in a purely Slavonic state. The result was, according to the *rapporteur*, " a system completely different from that which we know from the pre-Munich period or in Western states." [11]

1920 Constitution is available under the same title, *The Constitution of the Czechoslovak Republic* (Prague, 1920, reprinted in New York, 1944), and in H. L. McBain and Lindsay Rogers, *The New Constitutions of Europe* (New York, 1922).

[8] *Cf.* Andrei Y. Vyshinsky, *The Law of the Soviet State* (New York, 1948), pp. 1, 140-152.

[9] The new Constitution, however, declared legally invalid the Constitution of 1920, as well as all constitutional and other acts inconsistent with the new Constitution or with the principles of the people's democratic order [1948, section 173, (1) and (2)].

[10] *Ústava 9. května,* pp. 104, 106.

[11] *Ibid.,* pp. 109-110.

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General Features

The new Czechoslovak Constitution assumes a unique tripartite form, with little resemblance to the present Soviet Constitution. First, a Declaration, somewhat reminiscent of the declaration of rights with which the first Soviet Constitution began, seeks to place the Constitution in historical perspective and to point the way to socialism. Next, a succinct statement of general principles, bearing a title, famous in Czech history, "Fundamental Articles", is intended to serve as a kind of "Republican decalogue", in the words of the *rapporteur,* and a means of popularizing the constitution. Finally, the greater part of the document, Detailed Provisions, is subdivided under ten headings, beginning with the Rights and Duties of Citizens. All parts of this Constitution, the Declaration and Fundamental Articles as well as the Detailed Provisions, are said to be "valid as a whole"; the interpretation of individual provisions is to "rest on the spirit of this whole and on the principles upon which it is based" [sec. 171, (1) and (2)].[12]

The opening Declaration, sober and moderate in comparison with the radical phrases of the first Soviet Constitution of 1918, states the general purpose of the Constitution:

> We have now decided that our liberated State shall be a national State, rid of all hostile elements, living in neighbourly fashion with the family of Slav States and in friendship with all peace-loving nations of the world. We wish it to be a People's democratic State where the People, through their representatives, not only make the laws, but also, through their representatives, carry them into effect. We wish it to be a State in which the entire economy shall serve the people and be so directed that general prosperity should grow, that there should be no economic crises and that the national income should be justly distributed. By this path we wish to attain to a social order in which exploitation of man by man shall be completely abolished—to socialism.

No Soviet constitution has omitted at least a passing reference to the dictatorship of the proletariat.[13] The Czechoslovak

[12] For the importance of this in the interpretation of the Constitution, see *infra,* pp. 41-42.

[13] For example, R.S.F.S.R., 1918, art. 9; R.S.F.S.R., 1925, art. 1; and U.S.S.R., 1936, art. 2.

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Constitution, however, does not describe the state as a proletarian dictatorship.[14] A speech by the Bulgarian Communist, Dimitrov, in December 1948, inaugurated a new interpretation of the people's democracies as equivalent to proletarian dictatorships. Thereafter the Czechoslovak state has been described in official analysis as fulfilling the functions of the dictatorship of the proletariat, although such an interpretation lacks any constitutional basis.[15]

Nor does the Czechoslovak Constitution assign any special position in the political system to the working class or proletariat. On the contrary, "the people", as a whole, are described as "the sole source of all power in the State" [art. 1 (2)].[16] The rights set forth in the Constitution are guaranteed to "all citizens" [art. 3 (2) and (3), and sec. 1]. The franchise belongs to every citizen, without restriction, at the age of eighteen [art. 4 (2)]. This is in notable contrast with earlier Soviet constitutions, such as that of the R.S.F.S.R. for 1925, which described the state as "a socialist state of workers and peasants" (art. 2), guaranteed rights mainly to the workers and peasants, and deprived specified categories, such as employers or *rentiers*, of the franchise. The Czechoslovak charter is thus closer in this respect to the 1936 Constitution which removed all restrictions on the suffrage (art. 135) and assured rights to all "citizens".[17]

[14] Even the latest people's democratic constitution, the Polish, contains no identification of the state as a proletarian dictatorship. English text is available in the *New Central European Observer*, vol. V, No. 4, Feb. 16, 1952.

[15] See my article, "People's Democracy, the Proletarian Dictatorship and the Czechoslovak Path to Socialism", *The American Slavic and East European Review*, vol. X, No. 2, April 1951.

[16] This is almost identical to the 1920 Constitution [par. 1 (1)].

[17] The 1936 Constitution still describes the Soviet state as "a socialist state of workers and peasants" (art. 1) and all power is said to belong to "the working people of town and country" (art. 3). The Hungarian Constitution was unique among those of Eastern Europe in using a similar formula, describing the state as "a state of workers and working peasants". See for this Samuel L. Sharp, *New Constitutions in the Soviet Sphere* (Washington, 1950), p. 19. This booklet contains the text in English of this Constitution. The latest people's democratic constitution, the Polish, also differs from the Czechoslovak in employing the term "the working people of town and country" [art. 1 (2)].

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"*Constitution of the Path to Socialism*": *Economic Principles*

Czechoslovakia was, at the time of the drafting of the new constitution, much more advanced toward a socialist economy than Russia in 1918. Nationalization already embraced almost the whole of industry and trade. Only in agriculture was private peasant farming still predominant, as in Russia of the NEP period. A Two Year Plan was on its way to completion in mid-1948. In Communist doctrine, however, Czechoslovakia was, and is, not regarded as "socialist", but is assumed to be in a stage roughly equivalent to the phase of Soviet development before 1936. The conclusion was drawn that the Constitution could not be modeled on the present Soviet Constitution, but must reflect the Czech state of development and codify the achievements already made.[18] Czechoslovakia is therefore designated a people's democratic republic, not a socialist republic. It is assumed, however, that the Constitution should provide a framework within which the advance toward socialism may take place, without upheavals.[19] In the Declaration specific mention is made of the people's democracy as "a peaceful road to socialism".

The Czechoslovak Constitution does not attempt to define the economic system now prevailing, but in a long chapter (Part VIII) describes the main components of the economy in considerable detail.[20] Property is said to be either "national" (mainly state-owned), or the property of people's coöperatives, or the private property of individual producers (sec. 146). Land is not nationalized but "belongs to those who till it" (art. 12), with a maximum area under private ownership of 50 hectares (sec. 159). Private ownership of small and medium enterprises up to 50 employees is also guaranteed (sec. 158). Personal property is held inviolable (sec. 158). There is no mention of agricultural coöperatives or collective farms but "people's coöperatives" are assured state support (sec. 157).

[18] *Ústava 9. května*, p. 111. *Cf.* V. Procházka, "People's Democracy and the New Czechoslovak Constitution", *Nová Mysl*, vol. 1, No. 2, 1947, pp. 4, 17-18.

[19] *Ústava 9. května*, pp. 111-112.

[20] The 1920 Constitution had no similar section and contained almost nothing on the economic system.

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The direction of all economic activity by the state is assured by the Uniform Economic Plan (secs. 162-164).[21]

Rights and Duties of Citizens

Closely linked in Soviet constitutional law with the general principles of economic life are the rights and duties of citizens. These are, in fact, assumed to be attainable in their full reality only under socialism.[22] The R.S.F.S.R. Constitution of 1918 included an enumeration of rights and duties, under the heading of General Principles, which were taken over unchanged in the 1925 Constitution. These were for the most part the political rights traditional in Western Europe, with, however, restrictions on suffrage and on the enjoyment of rights by non-workers. Moreover the rights could be denied if they were used " to the detriment of the socialist revolution " (art. 23).

The Stalin Constitution, reflecting, it was said, the achievement of socialism, was able to give a much more comprehensive listing of basic rights and obligations, as well as to eliminate the deprivation of rights under the old Article 23 (Chapter X). To the older political rights were added the inviolability of the person, and of homes and correspondence, as well as new social rights, such as the right to work, rest and leisure, and the equality of rights of all citizens, irrespective of nationality or race.

The first chapter of the Czechoslovak Constitution, devoted to the Rights and Duties of Citizens, is an interesting amalgam of traditional political rights drawn directly from the 1920 Constitution, and novel economic and social rights similar to those of the Soviet Constitution of 1936. Unique features are added, so that the section constitutes a much fuller statement of rights than either of its models.[23] The political rights, placed first, include personal freedom, inviolability of domicile, privacy of mails, freedom of domicile and emigration, private ownership of property, freedom of conscience, and of expres-

[21] The Hungarian Constitution is much closer to the Soviet, including coöperative property in the category of public property, and providing for state support of " productive coöperative societies " (sec. 2). *Cf.* Sharp, *op. cit.*, p. 19.

[22] Vyshinsky, *op. cit.*, pp. 538-540, 552-553, 559-563.

[23] The Hungarian Constitution follows the provisions of the Soviet Constitution very closely, even as to the order of rights and duties.

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sion, of creative mental work and of the press, and the right of petition, assembly and association. Like the Constitution of 1920, there are provisions for specific prescription, and even the restriction, of certain rights, through ordinary legislation.

The social rights, all new as compared with the 1920 Constitution, and more elaborately formulated than in the Soviet Constitution, include the right to work, to just payment, to leisure and to the protection of health. Other new social rights, included elsewhere in the Constitution, are the right to education (sec. 12) and equal rights for women (sec. 1). Equality of rights, irrespective of nationality, is implied in the equality of all citizens before the law (sec. 1). Following the Soviet doctrine, it is assumed that these economic and social rights, and the new economic system as a whole, give real meaning to the civil rights derived from the earlier constitution.[24]

The new Czechoslovak Constitution, like the Soviet, includes an extensive statement of duties—the duty to work, to defend the state, to uphold the constitution and the laws, to preserve public property, and to discharge all public functions.[25]

Two special restrictive articles, unlike any in the 1920 Constitution, permit serious limitations on the exercise of the wide rights set forth. "Statements and acts tending to constitute a threat to the independence, integrity and unity of the State, the Constitution, the Republican form of Government and the People's Democratic Order are punishable" [sec. 37 (1)]. "The misuse of civil rights and liberties to such ends is inadmissible. In particular it is forbidden to propagate . . . nazism and fascism, racial and religious intolerance, and national chauvinism" [sec. 37 (2)]. Restrictions on the rights of citizens may also be imposed by law "in time of war, or when events occur that threaten in increased measure the independence, integrity and unity of the State, the Constitution, the Republican

[24] *Ústava 9. května*, p. 110. See also Stalin, *Problems of Leninism* (Moscow, 1940), pp. 572-573. It is interesting that the right to work was not included in earlier Soviet constitutions, inasmuch as this right could not be guaranteed, it is said, in a nonsocialist society. See Hazard, in *Pacific Affairs*, June 1948; and Vyshinsky, *op. cit.*, pp. 561, 566.

[25] The 1920 Constitution proclaimed only one duty—that of military service.

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form of Government and the People's Democratic Order, or public law and order . . ." (sec. 38).[26]

The People's Republic State Form

Czechoslovakia is a " People's democratic Republic " (*Lidově demokratická Republika*) [art. 1 (1)]. The term " people's republic " is now generally used in Communist theory to denote the political form of the people's democracies, as distinct from the " Soviet republic " in Russia. Under the 1920 Constitution Czechoslovakia had been called a " Democratic Republic " (par. 2). The incongruous repetition of the concept of " people " in both words, " *lidově* " and " *demokratická* ", was explained as signifying that this constitution would in fact establish what had remained a mere promise under the old constitution.[27]

The 1918 Constitution had termed Russia " a republic of soviets of workers', soldiers' and peasants' deputies " (art. 1). The soviets, at first organs of class rebellion, had become the basis of the entire pyramid of Soviet government. The system was based on the indirect election of the higher Soviet organs by the lower, and the exclusion of nonworkers and non-peasants from the suffrage. It was meaningful in this context to call the state as a whole the Russian Socialist Federated *Soviet* Republic, and the new federal union, the Union of *Soviet* Socialist Republics. With the abolition of indirect elections and of limits on the franchise in 1936, the term " soviet " lost most of its original significance. The Supreme Soviet became but a new form of one-party parliament, elected directly, by universal suffrage. Even the local soviets were but distinctive forms of local authority, without special significance as the basis of the structure of the state as a whole.

The term " people's republic " was from the beginning less meaningful. It did not connote a specific system of political forms. In Czechoslovakia, which had been a republic between the wars, the term carried even less meaning than in other

[26] *Cf.* the restrictive article of the earlier Soviet Constitution (see above, p. 205); and other restrictions of specific rights in the 1948 Constitution [secs. 14 (1), 24 (1)].

[27] See Procházka, in *Nová Mysl*, 1947, p. 13.

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people's democracies. As a matter of fact, the forms of governmental structure vary considerably among this group of states, some resembling in striking fashion the Soviet structure, others, such as Czechoslovakia, bearing strong likeness to the Western European republican system.

The Czechoslovak political organs have little similarity to the Soviet system of the earlier period. There is no pyramidical system; parliament is a directly elected body, representative of all citizens without distinction as to social origin and class. The national committees, like the soviets, were, in 1945, both organs of rebellion and embryonic nuclei of post-war government. However, they did not serve as the basis of a permanent hierarchic system of government, as in Russia. Acknowledging the authority of the returning government-in-exile, the local committees were incorporated in the constitutional framework restored by that government merely as new forms of local and regional authority.[28]

Unity of Power

The central principle governing the relationship of the main political organs of the new Czechoslovakia is said to be that of "unitary popular power".[29] The traditional doctrine of "separation of powers" is now rejected as a characteristic feature of the bourgeois state. This view, and the belief in "the oneness of the authority of the toilers", is paramount among Soviet jurists in their analysis of the Soviet system,[30] and has been applied to the people's democratic system as well.[31]

The people, "the sole source of all power" (art. 1), exercise their sovereign power through "representative bodies which are

[28] See *infra*, p. 216. There was some analogy with the Soviet experience in the election of a Provisional National Assembly indirectly by the local national committees, but the Constituent National Assembly, which replaced the provisional body in 1946, was elected directly by the voters.

[29] The Czech word "*jednotný*" has been translated "unitary", which comes closest to rendering the double meaning of the Czech word, "united" and "single".

[30] Vyshinsky, *op. cit.*, p. 318; J. Towster, *Political Power in the U.S.S.R., 1917-1947* (New York, 1948), pp. 184-186.

[31] V. F. Kotok, "Fundamental Principles of the System of Representation in the People's Democracies", *Sovetskoe gosudarstvo i pravo*, No. 11, 1949, pp. 38-39, 40-41, 43.

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elected by the people, controlled by the people and responsible to the people" (art. 4). All other organs of public power derive their competence from these representative bodies. The government itself is explicitly responsible to parliament; even the courts, although described as independent, are considered to embody no separate power. All organs that might block the unified exercise of the people's will, such as the Senate, or the Constitutional Court, under the old system, have been eliminated, or, in the case of the presidency, subordinated to the Assembly. The three principal organs, parliament, president and government, are expected "to collaborate as organs of a unitary people's power, and not work against each other as representatives of any special powers." Through this relationship of the main organs, the principle of the Declaration, that the people should be in a position not only to legislate, but also to execute the laws through their elected representatives, is believed to be fully guaranteed.[32]

The rejection of the separation of powers has not meant the absence of a distribution of functions among distinct organs of government. This has proved to be a necessity in Soviet Russia and in the people's democracies.[33] In Czechoslovakia, such a delimitation of functions has been made along traditional lines, the "functions" of government being distributed to a legislative organ, an executive organ, and judicial institutions.

Organs of Government

The structure of political institutions has been modeled directly on the 1920 Czechoslovak system. The central representative body or parliament bears the same name, the *National Assembly*, and possesses functions similar to those assigned under the 1920 Constitution, including, in addition to its legislative powers, specified rights with respect to the making of treaties, a declaration of war, and the election of the president [secs. 74 (1) and 68]. It is now described as "the supreme organ of

[32] For the above, see *Ústava 9. května*, pp. 105-107. *Cf.* Gottwald's speech on July 9, 1945, in K. Gottwald, *Deset Let* (Prague, 1947), p. 284.

[33] *Cf.* Vyshinsky, *op. cit.*, pp. 318-322; Kotok, in *Sovetskoe gosudarstvo i pravo*, No. 11, 1949, p. 38.

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legislative power" (art. 5).[34] In practice the National Assembly has come to be, not the main lawmaking body, but, like the Supreme Soviet, a "ratifying and propagating body", publicizing and approving unanimously measures coming to it from the executive organs.[35] The Assembly is now unicameral; the Senate of the first republic has been abandoned. Suffrage, in the election of the Assembly, is universal, equal, direct and secret (art. 4).

A significant change which brings the parliament closer to the Soviet pattern is the provision for a *Presidium* of the National Assembly. This body resembles, it is true, the Committee of Twenty-Four of the 1920 Constitution, and continues to exercise that body's main function—the provisional powers of parliament when the Assembly is not in session. It now acquires the additional power to make a binding interpretation of laws, in case of dispute, and to decide whether laws are contrary to the constitution or decrees contrary to the law (sec. 65). In this respect, it has assumed the function of judicial review assigned under the 1920 Constitution to the Constitutional Court and approaches the judicial powers of the Soviet Presidium under the 1936 Constitution.[36] The Presidium meets rarely and has not, like the Soviet body, emerged in practice as a body sharing in the exercise of legislative power.[37]

The provisions for the *Presidency* are taken over almost without change from the 1920 Constitution. Unlike the "collegium" president of the Soviet Union, constituted by the Presidium of the Supreme Soviet, the presidency is occupied by a single person, elected by the National Assembly for a term of seven years. The president is assigned certain specific powers (sec. 74), the rest of the "governmental or executive power" being exercised by the government. The formal powers of the president are considerable. He is empowered to dissolve the National Assembly, to return laws to it for reconsideration, and

[34] The Soviet Constitution of 1936 provides that the legislative power is to be "exercised exclusively" by the Supreme Soviet (art. 32).

[35] Towster, *op. cit.*, pp. 263, 379.

[36] Art. 49 (b).

[37] Towster, *op. cit.*, pp. 268-272.

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to recommend measures to it for consideration.[38] The president is also authorized to name the prime minister and the members of the cabinet, to preside at cabinet meetings, to request reports from members, and to suggest appropriate measures to the cabinet. The last-named is almost the only power not possessed under the first republic.[39] The president does not have the power to issue decrees, as does the Soviet Presidium, but, in view of the powers already cited, undoubtedly exercises great influence on the legislative process.

The president, under the first republic, exerted even greater influence than was formally prescribed by the constitution, as a result of the prestige of the incumbents, Masaryk and Beneš. With Gottwald, Communist party chairman, in the presidency, the office is endowed with very great power above and beyond the letter of the constitution. In theory the oneness of authority is safeguarded by the election of the president by the National Assembly, and by the responsibility of the government to the Assembly for the presidential exercise of power. In practice, however, the singleness of authority is embodied in the personal and constitutional power of the president, and the Assembly and other organs of government are likely to follow his directives and guidance.

The *Government* is called, under the new constitution, "the supreme organ of governmental and executive power" (art. 7).[40] Like the Council of Ministers in the U.S.S.R., it is presumed to be, not a legislative, but exclusively an administrative and executive organ; its enactments are to be based on existing laws.[41] In fact, however, the government, like the Council of Ministers, has become an important legislative organ, preparing and introducing laws in the National Assembly, where, after

[38] The Soviet Presidium has no veto over legislation, and can dissolve the Supreme Soviet only in one strictly defined circumstance (art. 47).

[39] The Soviet Presidium does not have such powers over the members of the Council of Ministers, except when the Soviet is not in session, but can rescind decisions and orders of the Council (art. 49e).

[40] See the description of the Soviet Council of Ministers as "the supreme executive and administrative organ of state power" (art. 64).

[41] Sec. 90. *Cf.* 1936, art. 66. See also Towster, *op. cit.*, pp. 274-275; Vyshinsky, *op. cit.*, pp. 369-372.

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formal debate, they are invariably passed. It is hardly an exaggeration to describe the government, with the presidency, as the chief state agency for the determination of public policy, with parliament in a secondary and subsidiary rôle.

In its executive functions, the government, like the Soviet Council, has a very wide field of action, not only in "political" matters (sec. 89) but also in the preparation and implementation of the economic plan (sec. 163). Although it is described as the supreme organ of executive power, it shares this power, as under the 1920 Constitution, with the president [sec. 74 (2)]. Moreover the president appoints the cabinet and has other powers over it already referred to. Nonetheless, the cabinet enjoys the bulk of executive authority and is responsible to the National Assembly for all actions taken by the president (secs. 76, 77). It has the exclusive right to issue decrees.

The government is responsible to the National Assembly (art. 7, and secs. 76, 83). This was also true of the 1920 Constitution. Formally, the responsibility has been strengthened under the new Constitution, which provides for an expression of nonconfidence in individual ministers as well as in the government as a whole (sec. 86). In theory, the supreme authority of the sovereign representative assembly is thereby safeguarded. In practice, however, the singleness of power is assured, as in the Soviet practice, by the subordination of parliament to a powerful cabinet, in this case sharing its power with a strong presidency.[42]

The actual composition of the Czechoslovak government was at first not unlike that of the first republic, the ministries retaining the traditional titles and functions. This was true also of the Council of People's Commissars in the early days after the revolution, when the spheres of individual commissariats were much the same as those of Tsarist government departments. In late 1950 there were twenty-four ministers in the Czech cabinet, including the Chairman of the State Planning Commission. Only with the expansion of socialization in in-

[42] This is not unlike the situation under the 1920 Constitution; the powerful coalition of party leaders represented in the cabinet controlled, subject to the influence of the president, the National Assembly, in spite of its theoretical responsibility to it. Táborský, *op. cit.*, pp. 102-114.

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dustry and agriculture did the Soviet Council of Ministers, as it was renamed in 1946, emerge in its present form as a very large body of specialists, charged, not with traditional cabinet functions, but with the direction of industry and agriculture.[43] A similar process is well under way in Czechoslovakia, with the splitting up of the Ministry of Industry into two separate ministries, for Heavy and Light Industry, and, more recently, the division of the Ministry of Heavy Industry into ministries for Fuel and Power, Metallurgy and Ore Mining, Chemical Industry, Heavy Engineering, and General Engineering. Czechoslovakia, as a unitary state, does not require the two types of ministry, the union and union-republic, characteristic of the present Soviet administrative system.[44]

The National Question—Slovak Organs of Government

The removal of the largest minority, the Germans, and the establishment of Czechoslovakia as a predominantly *national* state, without significant minorities, made it unnecessary to retain the extensive provisions of the 1920 Constitution for the protection of the rights of national minorities.[45] On the other hand, the people of Czechoslovakia are now considered, not as a single *Czechoslovak* nation, but as consisting of "two Slav nations, possessing equal rights, Czechs and Slovaks" [art. 2 (1)]. Unlike the Constitution of the first republic, which had made no provisions for Slovak autonomy and had established a "unitary" state, the new Constitution (chapter V) contains extensive provisions for special Slovak national organs, within the framework of a state still regarded as "unitary".[46] The result is a modified dual system, which represented, as the re-

[43] *Cf.* John H. Hazard, "Socialist Administration and the Public Interest", in Fritz Morstein Marx, ed., *Foreign Governments* (New York, 1949), pp. 468-470. By February 1947, there were 58 ministries in the Council of Ministers.

[44] But compare the Slovak Board of Trustees (*infra*, p. 214).

[45] See 1920 Constitution, par. 106 and the whole of section VI, as well as the 1920 act of February 29 concerning the principles of language rights.

[46] The 1920 Constitution had contained provisions for the autonomy of Carpathian Ruthenia which were, however, never carried into effect. After the Second World War this region was ceded by treaty to the U.S.S.R. An act of 1927 granted Slovakia a modest degree of administrative autonomy, as one of four provinces in the republic.

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port of the Constitutional Committee admitted, "neither federation nor autonomy".[47]

The "Slovak national organs" are described as "the bearer and executor of state power" and "the representative of the selfhood of the Slovak nation", as well as guarantors of "the equality of rights of Czechs and Slovaks" (art. 8). These include an "organ of legislative power", the elected National Council, and an "organ of governmental and executive power", the Board of Trustees (art. 9). These organs exercise their authority according to a precise schedule of Slovak powers (secs. 96, 119). Within this sphere, the Board is responsible to the National Council (sec. 118). In form, then, there is a devolution of functions to Slovakia (but not to the Czech part of the republic), comparable to that made to all the Union Republics of the Soviet federation. The area of exclusive jurisdiction of the Slovak organs is, indeed, considerably wider than that assigned to the Soviet Union Republics, and still more so than that of the autonomous republics and lesser areas. It should also be noted that Slovaks sit in the National Assembly and are included in the central government, thus sharing directly in the exercise of power at the center. There is, however, no second chamber for the special representation of national groups, as in the multinational Soviet Union.

The Czechoslovak Constitution was designed, however, not only to protect the identity and equality of the Slovak nation but also to ensure and fortify the unity of the state as a whole.[48] In Czechoslovakia, apart from the assignment of the more important powers to the central government, other provisions of the Constitution assure a high degree of central power that bears striking resemblance to Soviet practice. For instance, the Board of Trustees is regarded as the executive agency in Slovakia for most matters falling within the competence of the central government,[49] thus paralleling to some extent the Soviet

[47] *Ústava 9. května*, p. 108. Alone among Eastern European Communist states, Yugoslavia possesses federal forms of government, similar to those of the Soviet Union, including a second chamber of nationalities. The other states, lacking large minorities, are unitary in structure, but guarantee equality of rights, irrespective of race or nationality, in most cases.

[48] *Ústava 9. května*, pp. 108-109.

[49] Sec. 95, which excepts national defense, foreign policy and foreign trade.

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practice of assigning administrative powers in a given field to Union-Republic ministries in both the all-Union and the Republican Councils of Ministers.

More significant are various controls over the Slovak organs exercised by the prime minister and the national government.[50] Thus the prime minister summons, adjourns and dissolves the Slovak National Council, signs laws passed by it, and may introduce draft bills for its consideration. Moreover, the central government considers whether Slovak laws are in conflict with the constitution, with the unified economic plan or with the budget law. The Board of Trustees is appointed and dismissed by the central government, is responsible to the latter, as well as to the National Council, and must follow directives and instructions of the government or of individual ministers. The government can rescind a measure of the Board of Trustees if it is in conflict with the constitution, or with a law, government decree, ministerial ordinance, or government decision.[51]

This relationship of autonomous organs to central authorities is thoroughly in line with the Soviet principle of " democratic centralism ", which presupposes, according to Vyshinsky, " centralism in basic questions " as well as " local independence ".[52] Centralized direction of policy has been assured in the Soviet Union by many devices which make it unique among federal systems. The Czechoslovak system of Slovak autonomy, although not federal in form, is thus not far removed from the actual operation of the Soviet system.

The position of Slovakia is, however, not exactly comparable to that of a union republic. For one thing, it is not one of several constitutionally equal parts, as is each Union Republic, but occupies a special position of its own within an otherwise

[50] For the following, see the 1948 Constitution, secs. 65, 102, 105, 108, 110, 112, 114, 117 and 120.

[51] These limitations on Slovak autonomy may be compared with Soviet provisions that an all-Union law prevails in the event of conflict with a Union-Republic law (art. 20); that the Presidium of the Supreme Soviet may rescind decisions and orders of the Councils of Ministers of the Union Republics, if they are not in accordance with the law (art. 49); and that the Council of Ministers, may, within its own jurisdiction, suspend decisions and orders of the Union-Republic Councils of Ministers (art. 69).

[52] Vyshinsky, *op. cit.*, pp. 230-231.

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centralized republic. Nor does it have the distinctive features of a Union Republic: its own constitution, the right to secede, and a guarantee against a change of its territory without its consent (arts. 16-17-18). These are generally regarded by Soviet jurists as the marks of the sovereignty of the Union Republics, which is otherwise restricted only within the limits of the powers assigned to the U.S.S.R. by Article 14.[53] Czechoslovak Communist theorists do not claim sovereignty for Slovakia, resting their interpretation on the concept of the unity of popular power. Power belongs to the "people", that is, the Czechoslovak people, regarded as a single entity. The Slovak organs are considered the bearers and executors, in the territory of Slovakia, "of the single Czechoslovak state power, or better yet, of the single Czechoslovak popular power." [54]

Organs of Local Authority

Provisions regarding local administration in the new constitution mark a complete break with the practices of the first republic. The new system is grounded on "national committees", which, like the soviets in Russia, emerged as illegal organs of struggle, in this case against the German occupants. At least provisionally, these national committees, according to a presidential decree of 1944 and other post-war measures, took over, at the three levels of municipality, district and province, the powers of the pre-war organs of local administration. The latter's chief characteristic had been its dual or bifurcated structure, with two parallel sets of organs at these three levels: one, centrally controlled organs of state administration, and the other, elected representative bodies. This double-track system was now replaced by a single-track system, combining bureaucratic and elected elements. The only substantial change in this system, already in existence in 1945, was the later replacement

[53] Art. 15. *Cf.* Vyshinsky, *op. cit.*, pp. 277-278, 284-289; Towster, *op. cit.*, pp. 109-115.

[54] *Ústava 9. května*, p. 109. In a discussion in the Military-Juridical Academy of the Armed Forces of the U.S.S.R., it was suggested by one speaker, and agreed to by N. P. Farberov, that sovereignty belongs to both Czechs and Slovaks. See *Sovetskoe gosudarstvo i pravo*, No. 7, 1949, p. 75.

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of the provincial committees, three in number, by a larger number of " regional " committees.

The Constitution describes the national committees as " the bearers and executors of state power in the municipalities, districts and regions, and the guardians of the rights and liberties of the people " (art. 10).[54a] Their chief task is defined as carrying out " the public administration " in such fields as general internal administration, education, popular culture, health and social welfare questions (sec. 124). Within these spheres of action their general purposes are said to be the defense of the people's democratic order, the defense of the state, national security, the maintenance of national property, preparing and executing the plan, and directing economic, social and cultural construction (sec. 125). As compared with the more complex Soviet system, there are three tiers, regional, district and local, the last being either urban or rural.[54b] Like the soviets at all levels, the national committees are elected and are expected to rely on " the direct participation and initiative of the people " (sec. 126).[54c]

In carrying out their functions, the national committees are obliged to observe the laws and decrees in effect and to heed directives and instructions of higher organs. In particular the national committee at a lower level is subordinated to the committee at a higher level, and all of them to the Ministry of the Interior at the top (sec. 131). The national committees may be dissolved under certain circumstances (sec. 132). The committees are, on the other hand, responsible in their actions to the people (sec. 126). Thus in theory a dual responsibility, upward and downward, is established, and effect is given, although in somewhat different forms, to the main principle of Soviet government, " democratic centralism ".

[54a] The " Soviets of Working People's Deputies " are described in the 1936 Soviet Constitution as the " organs of state power " in the various areas of the U.S.S.R. (art. 94). *Cf.* Vyshinsky, *op. cit.*, pp. 167, 423.

[54b] As a matter of fact, apart from the higher levels of Soviet federalism (union republic, autonomous republic, etc.), the Soviet system of local authority also usually consists of three main links: regional, district, and city or village soviets. *Cf.* Vyshinsky, *op. cit.*, p. 477; Towster, *op. cit.*, p. 203.

[54c] *Cf.* Towster, *op. cit.*, pp. 205-8; Kotok, in *Sovetskoe gosudarstvo i pravo*, No. 11, 1949, pp. 40-1.

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The Court System

The "judicial power", under the Czechoslovak Constitution, is exercised by "independent courts", consisting of professional and lay judges, who are said to be independent in the discharge of their office, "bound only by the legal order of the people's democracy" (art. 11). These include criminal, civil and military courts, as well as special courts in extraordinary circumstances, and higher courts, consisting of a Supreme Court, a Supreme Military Court, and an Administrative Court. This system, not unlike that under the 1920 Constitution, differs from it chiefly in the abandonment of the Constitutional Court, with its right of judicial review, and of the Electoral Court, with its right to pass on the validity of parliamentary elections. A striking feature is the appointive character of all judges, retained from the old constitution, in contrast to the elective character of the Soviet judges.[55] A significant change as compared with the earlier constitution, which brings the Czechoslovak system closer to the Soviet and the other people's democracies, is the inclusion, as a rule, of lay or people's judges in the benches of the courts.[56]

The functions of the courts, and the principles governing their procedure, do not differ in form from those under the old Czechoslovak Constitution, and are similar to those of the Soviet judicial system. The function of judicial review is now transferred, as in the Soviet Union, to the Presidium of the National Assembly.[57] The function of reviewing administrative measures, as under the old Constitution, is exercised by the Administrative Court. The main function of the courts as a whole is the hearing of cases, either in original jurisdiction, or on appeal, and the rendering of judgments.

The Czechoslovak, like the Soviet, judicial power is regarded as a separate function of government, exercised by agencies distinct from the administrative power.[58] This, as well as the independence of judges, does not mean that the doctrine of the

[55] This was introduced as a new feature of the 1936 Constitution (arts. 105-109). Czechoslovakia is almost the only Eastern European Communist state with nonelective judges.

[56] *Cf.* 1936, art. 103.

[57] See *supra*, p. 210.

[58] Constitution of 1948, sec. 138. *Cf.* Vyshinsky, *op. cit.*, p. 499.

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separation of powers is accepted as regards the judicial power. On the contrary, the " popular " character of the courts, established by the inclusion of lay judges, is taken to be an illustration of the participation of the people themselves in the execution of the laws, thus applying once again the principle of the single undivided popular power.[59]

The importance of the rôle of the judges in applying the law is indicated by the oath taken by them to interpret the laws and decrees " in the spirit of the Constitution and of the principles of the People's Democratic Order " (sec. 143). This is said to give the judges the right to consider not only " the letter of the law " but also " the actual circumstances ".[60] Moreover, since all parts of the Constitution, including the Declaration and the Fundamental Articles, are valid as a whole, the latter serve as an instrument of the interpretation of the more detailed provisions of the Constitution. Even that part of the Declaration referring to the people's democracy as a " road to socialism " is to govern the interpretation of other provisions of the Constitution.[61] Since the definitive interpretation of such concepts as the " people's democracy " or the " road to socialism " is rendered only by the most responsible governmental and party authorities, the courts, like Soviet courts, are likely to assume the rôle of auxiliary, not independent, branches of government, and to follow the general line of government policy.[62]

The Communist Party

In the Czechoslovak Constitution of 1948 there is almost no reference to the rôle of political parties, and none at all to that of the Communist party. The 1920 Constitution also failed to mention the political parties, which were in fact the leading force in the political life of the country.[63] The new Constitution does refer to the forming by the people of " voluntary associations, in particular political, trade-union, coöperative, cultural, women's, youth and gymnastic associations ", in order " to deal with public matters and to exercise their democratic

[59] *Ústava 9. května*, p. 107. [60] *Ibid.*, p. 113.

[61] *Ibid.*, pp. 114-115. See *supra*, p. 202. [62] *Cf.* Towster, *op. cit.*, pp. 301-305.

[63] *Cf.* Táborský, *Czechoslovak Democracy at Work*, pp. 103 *et seq.*

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rights" [art. 4 (3)].[64] This is not unlike Article 126 in the Soviet Constitution of 1936 which goes on, however, to assert the right of "the most active and politically conscious citizens" to unite in the Communist party, described as "the vanguard of the working people" and "the leading nucleus of all organizations of the working people, both public and state."[65]

Earlier Soviet constitutions contained no provisions for the "leading" rôle of the Communist party. In fact, however, the paramount position of the party had been established at the time of the revolution. In the absence of conflicting social classes, argued Stalin later, there was no ground for the existence of several parties.[66] The rôle of the Communist party, as "the main directing force in the system of the dictatorship of the proletariat", was elaborated at length by Stalin in familiar utterances of the mid-twenties.[67] The organs of government, and nonparty organizations, such as the trade unions, the coöperatives and the Young Communist League, were the transmission belts, through which the party would effect its leadership rôle.

This conception of the rôle of the Communist party has been taken over in all Eastern European people's democracies, including Czechoslovakia. A somewhat different form of Communist party direction emerges as a result of the continued existence of other political parties and of the National Front. Before February 1948, the Communist party was but one, although the strongest, party in the National Front and the coalition government; it could exercise leadership only through the persuasion of, and concession to, the other independent parties, each with its own separate policy. The creation of the Central Action Committee of the National Front and of thousands of local action committees during the February crisis in 1948 provided, without any basis of law, an instrument for

[64] The right to form associations was protected in the 1920 Constitution (par. 113).

[65] The only Eastern European constitution which makes a similar reference to the "advance guard" of the working class, without, however, naming the Communist party, is the Hungarian Constitution (art. 56).

[66] *Problems of Leninism*, p. 579.

[67] *Ibid.*, pp. 72-83, 131-152. *Cf.* Vyshinsky, *op. cit.*, pp. 159-160, 626-629; Towster, *op. cit.*, pp. 178-181.

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purging public life of " subversive forces " and laying the basis for a " regenerated " National Front.[68] This network of action committees, directed by the Central Action Committee, continues to supervise the work of governmental organs, parties and other associations, and to mobilize the population for the achievement of the goals set by the government.[69]

The rôle of the other parties and of the National Front, as a result, has now become secondary and auxiliary, and rests on their acceptance of the leading position of the Communist party and support of its policy.[70] This is not unlike the part briefly played by the Left Social Revolutionaries in Soviet Russia.[71] Since 1921 there have been no other functioning parties in the Soviet Union and no organization comparable to the National Front. With the disappearance of conflicting social classes, according to Communist doctrine, the multi-party system in the people's democracies will disappear.[72] In Czechoslovakia there will presumably disappear at that time the National Front and its organs, the action committees.

On the very day of the promulgation of the new constitution, Klement Gottwald, at a meeting of the party's Central Committee, described the relationship of the party to other parties and the National Front.

> We have here a massive Communist Party, which is generally recognized as the leading force. It is the political brain, the political motor which drives our whole life. Beside the Communist Party there are still other parties here. Apart from the political parties, we have here, as a permanent instrument, with which we must reckon, the great national interest organizations, the trade union organization, the agricultural organization, cooperative and youth organizations, the Sokol gymnastic organization, in short a series of other supraparty mass organizations which in their entirety embrace the actual majority of our people,

[68] Alexej Čepička, " Action Committees in ACTION ", *Tvorba*, March 10, 1948

[69] *Klement Gottwald, 1946-1948* (Prague, 1949), vol. II, pp. 114-116.

[70] N. P. Farberov, *Gosudarstvennoe pravo stran narodnoi demokratii* (Public Law of the People's Democracies) (Moscow, 1949), pp. 58-64, 142-146.

[71] E. H. Carr, *The Bolshevik Revolution, 1917-1923* (New York, 1951), vol. I, pp. 110-112, 169-177, 186.

[72] Farberov, *op. cit.*, pp. 64-65.

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adult and youth. All these organizations together form the National Front and have their own National Front organs, the action committees. All these organizations our party leads and influences; it directs their activity.[73]

As for the organs of government themselves, the essential fact is the control of the main institutions by the Communist party. After February, said Gottwald, "we concentrated all the decisive levers of state power in reliable hands: the National Assembly as one pillar, the government as a second pillar, and the president as the third constitutional pillar."[74] This assures Communist direction of the entire apparatus of government and consolidation of political power in the party and its leadership.

Conclusions

The following conclusions emerge from the foregoing:

1. Communist rule started from a democratic tradition in pre-revolutionary Czechoslovakia utterly in contrast to pre-revolutionary autocratic Russia.

2. Communist rule in Czechoslovakia was established, not through a violent revolution of the Soviet type, but at least formally within the existing legal framework.

3. The new Constitution did not represent, as in the Soviet case, a complete break with earlier constitutional practices.

4. The Constitution of 1948, unlike the Soviet example, continued many provisions of the earlier constitution, such as the presidency, the National Assembly and Presidium, the government, the political rights of citizens, and certain aspects of the judicial system, such as appointive judges.

5. The present Czechoslovak Constitution does not bear any striking resemblance to the earlier post-revolutionary Soviet constitutions.[75] Even its new features, such as the economic provi-

[73] *Klement Gottwald, 1946-1948*, vol. II, pp. 185-186.

[74] Speech on Nov. 17, 1948, *ibid.*, p. 277. A Soviet textbook noted that the presidency was in the hands of the Communist leader, Gottwald; that 16 of 23 members of the government formed after the 1948 elections were Communists; that 236 of the 300 deputies were Communist party members; that 2,000 of 4,400 members of all national committees were Communists, with 80 per cent of the chairmen of the regional committees Communists. Farberov, *op. cit.*, pp. 153-154, 175.

[75] Compare the striking similarity between the Mongol People's Republic and the early Soviet constitutions (Hazard, in *Pacific Affairs*, June 1948), and the consider-

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sions, the Slovak organs, the national committees, and the people's judges, are unlike Soviet counterparts of the early phase.

6. Nor does it resemble greatly the present Soviet Constitution, although in certain respects, such as the economic and social rights, the judicial function of the Presidium, direct elections and universal franchise, it is closer to it than to the earlier Soviet documents.

In sum, important differences in the structure of government and political practice of the two Communist states exist. A conscious attempt was made to adapt the new constitutional structure of Czechoslovakia to the traditional system of the first republic as well as to the peculiar conditions of post-war Czechoslovakia. There was no effort to introduce, without change and without respect for local traditions, the Soviet system, either of the earlier or the current phase of Soviet development. In the early post-war years, great emphasis was laid in Communist theory on the distinctive national path followed by Czechoslovakia on its way to socialism.[76] Even now specific differences between the Soviet and the people's democratic systems are frankly admitted in Soviet theory and interpreted as reflecting the diversity of the course to socialism in each country and the difference in the stage of development toward socialism.[77] In particular they are said to reflect the differences between a socialist and a nonsocialist state. In fact, however, there is a greater resemblance between the present nonsocialist Czechoslovak Constitution and the current "socialist" Soviet Constitution than between it and the earlier "nonsocialist" Soviet Constitution.

In spite of such recognized differences, there is an essential identity of the Soviet and the Czechoslovak political systems. As in Soviet Russia, the doctrine of the separation of powers has been replaced by the concept of the "oneness of authority", the doctrine of the "unitary popular power", expressed in an elected representative body, in theory responsible to the sover-

able likeness of the Hungarian to the present Soviet Constitution (Sharp, *op. cit.*, pp. 18-22).

[76] See my article in *American Slavic and East European Review*, April 1951.

[77] See above pp. 11-13; Farberov, *op. cit.*, pp. 24-34; and my article, "'People's Democracy' in Soviet Theory", *Soviet Studies*, vol. III, October 1951, pp. 142-145.

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eign people and controlling all other organs of government. Slovak organs and national committees function, as their counterparts in the Soviet Union, according to the principle of democratic centralism. In practice, however, the "singleness of power" resides, not in the representative Assembly, as theory and constitution dictate, but rather in the president and the government, or (since the key persons are more or less the same) in the Presidium of the Central Committee of the Communist party. The Communist party controls all institutions of government—the president and government, the National Assembly and Slovak organs, local courts and national committees, as well as the National Front, its constituent mass organizations and its action committees. The principle of democratic centralism, suffusing the party as a whole and the organs of government, assures a singleness of policy and the determination of policy by the top leadership of the Communist party.

This crucial feature, although entirely extra-constitutional, is the decisive fact in Czechoslovak political life today. This fills the constitution itself with a new meaning and brings the political practice of Czechoslovakia close to that of the Soviet Union at all periods of its development. Differences in form, such as the existence of the National Front and other parties, or other features described above, do not detract from this fundamental similarity. This is now admitted and indeed emphasized in Communist theory. Both the Soviet Union and people's democracies such as Czechoslovakia are called dictatorships of the proletariat, the cardinal aspect of which is the leading rôle of the Communist party, the vanguard of the proletariat.[78] In the course of time Czechoslovakia, following a path admittedly the same as that of the Soviet Union, will possibly revise the present Constitution, writing into it the achievement of socialism and the directing rôle of the Communist party. In the meantime that leadership is now being exercised in fact, as in the Soviet Union before and after the adoption of the Stalin Constitution.

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[78] See Farberov, *op. cit.*, pp. 34-36, and my articles cited above.

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THE INTELLECTUALS AND EUROPEAN SOCIETY [1]

I

RECENT evaluations have tended to pass one of two judgments upon the European intellectuals. It has been concluded either that they live in isolation from their society and say nothing relevant to it or that they are entirely submerged in the society and merely reflect it.[2] The facts to which these judgments refer are clear enough. On the one hand, intellectuals have adopted a critical position vis-à-vis all the important social and political forces of the day, which offer no foothold for their ideas. The continental middle classes have moved into confessional parties in which clerical and economic interests predominate; the secular liberal parties have been reduced to splinter groups of the Right; the working class adheres either to a communism which has a set, unalterable doctrine or to socialist parties which can no longer afford a clear theoretical basis; the organizations of the Resistance are dead—Sartre wrote their epitaph with his withdrawal from the *Rassemblement Democratique Révolutionnaire,* which he had helped to found in their image. On the other hand, intellectuals have adopted an apologetic position vis-à-vis institutional forces—state, party, church, or university—on which they are increasingly forced to depend for their livelihood and for their continued intellectual existence. The factors behind this development range from the bureaucratization of the intellectuals which has grown out of the shrinkage of middle-class inherited incomes and the financial instability of the general periodical—the disappearance of *Horizon* and *Die Wand-*

[1] This paper was originally delivered before the European Seminar of Columbia University's European Institute in March 1951.

[2] An excellent article which goes beyond these categories is by Kenneth Douglas, "The French Intellectuals: Situation and Outlook", in Edward Mead Earle, ed., *Modern France: Problems of the Third and Fourth Republics* (Princeton, 1951), pp. 61-81.

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lung are outstanding cases in point—to the threat which the Soviet danger poses for freedom of expression as the intellectuals have known it.

These alternative conclusions are susceptible of two rather obvious explanations. The first is that the same phenomenon is judged by different writers from divergent points of view. A prevalence of esoteric themes, for example, can be interpreted either as a product of intellectual isolation or as an evasion of responsibility accruing to the intellectuals' uncritical submergence in society. The second explanation is that the judgments refer to different groups of intellectuals: the liberal intellectuals are in general identifiable as the critics; Communist intellectuals, orthodox religious thinkers, academicians and civil servants are identified as the apologists. But despite the variant judgments and distinctions an important problem remains: what are the general conceptions held by the intellectuals which form the background of their social ideas and on which the judgments of them must be based? Interest in these general conceptions represents more than mere idle curiosity, for it is often the general outlook of an intellectual rather than his social position as such that defines him. Thus, the extent to which a Catholic, an academic, or even a governmental intellectual is subordinated to the institution with which he is associated may well depend not simply upon his association with that institution but also upon his ideas about the nature of reality in general, social reality in particular, and the specific rôle of his institution in it. This function of ideas permits a variety of social relationships for the intellectuals. Conceptions which allow or encourage intellectuals to find a secure haven with some recognized social or political organization are of little interest, for by and large they come to terms with official doctrines which are well known. Likewise, conceptions which influence intellectuals toward a total unconcern with society supply little substance for an understanding of European society. But those conceptions which imply a tension in the intellectual because they are addressed to social reality and yet are unable wholly to penetrate it—such conceptions are objects of general concern.

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The importance of this kind of general conception lies in the promise which it holds out to men that ideas can build a platform out from the world into an absolute realm from which the world can be moved. For an age in which the unitary strands of social experience have tended to unravel and in which tinkering with the resultant parts has been relegated to the efficiency expert, the presence of total views which are somehow connected with experience seems to offer the only possibility of organizing and improving the elements of this concrete existence. To revert to a previous illustration, religious thinkers who seek not so much to rationalize the existing rôle of faith and the churches by exegeses of traditional doctrine as to interpret anew their function on the basis of the new general insights of the age, academicians who are not content to remain within the framework of their special fields but go beyond them to apply their knowledge and their methods to general problems of humanity—such men participate in the crucial issue before the modern intellectual.

However various its manifestations, this kind of problem may be accounted the problem par excellence of the liberal intellectuals, if liberal be defined for this purpose as referring to that habit of mind which manifests anxiety about the concrete organization of life, is yet dissatisfied with current forms of organization, and is ever open to new ideal impulses which seek to develop this organization beyond those forms. In this sense, "liberal" includes not only representatives of the familiar secular political tradition nor only the intellectuals free of all institutional attachment, but rather all those intellectuals who, whatever their mundane ties, are responsive to general currents which come from beyond those associations and create a tension in them.

The attempt will be made here to deal with some of the general attitudes which form the background for the social and political orientation of European intellectuals who are "liberal" in this broad sense.

II

Some background is required to give an idea of the direction in which European thinkers have been traveling, for twentieth-

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century thought is composed of such a peculiar mélange of old and new elements that only a historical analysis will enable us to discover what is distinctive about it.

Although there is some doubt as to whether the lay intellectual has his origins in the Roman rhetorician or the Italian humanist, we may finesse that issue. The story, for our purposes, begins in the eighteenth century. It is at this point that the social position of the liberal intellectual and the substance of his thought meet in such a way as both to make him an effective force in society and to create the problem which is his main concern today. The position of the intellectual combined two elements: he still carried over from the humanists his consciousness of being a member of an autonomous spiritual estate, with all the critical functions of the *clerc* attributed to this estate by Julien Benda (himself a good eighteenth-century type); but he was at the same time, usually by origin and almost unanimously by conviction, representative of the aims of the liberal aristocracy and the middle classes, so that the standards of his criticism were not simply those of the conscience of the society but entailed a program for a new order. This position of the intellectual manifested itself in the character of his message. In the first place, he had no need to concern himself with "pure thought", since the presuppositions of his thinking had been worked out in the metaphysical and scientific systems of the seventeenth-century, and since, on the basis of this security, he could limit himself to what concerned human affairs. In the second place, the so-called rational synthesis of the eighteenth century was, in content, the perfect meeting-ground for the cosmos and the individual. The external frame of meaning and the goals of the individual were considered to be entirely consonant; reality and ideals were homogeneous. Hence there was no bar to the realization of ideals, and the instrument of this realization was the free society. Consequently, there was no hindrance to the intellectual's immersing himself in social reality, for it was to this arena that he was naturally led, without fear of corruption, even by his contemplation of the eternal verities. And so the intellectual sallied forth to do battle against those phenomena of existence which were malevo-

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lent and, in a sense, illusory, thereby fulfilling his traditional function while yet pointing the way for a specific social group with whose material goals he did not identify himself.

The collapse of this rational synthesis, manifested in Immanuel Kant and the French Revolution, brought a real crisis of conscience to the intellectuals. The world of existences had shown itself to be, whether through the Revolution or the reaction, infinitely more complex and less manageable than had been supposed. Nevertheless, despite an initial reaction during the early years of the nineteenth century in which the synthesis was replaced by a confusion of partial complexes of thought, such as romanticism and Destutt de Tracy's sensationalism, and intellectuals recoiled back before the problems of political and social reality (it is not entirely fortuitous that Destutt de Tracy coined the term "ideology" at this time), they soon returned to the charge, built up systematic world-views and operated socially within them. But their ideas and their situation had undergone a significant change. The external framework of man's activity was no longer considered homogeneous with men's purposes; but while not of the same stuff as these purposes, yet it was compatible with them. The cosmic pattern imposed certain limits upon man's activity but yet permitted and even encouraged men to achieve their goals within those limits. But this implied an ambivalent attitude toward the world of existence, and in a sense the emphasis on reality which has been called the hallmark of the nineteenth century was a function of the necessity for careful examination of and abstraction from this reality to secure what was usable for man in it—the rational for philosophical idealists, the lawful and pragmatic for positivists and scientists. History became essential even to systematic thinkers for the working out of the implicit conflict between the two aspects of reality—that is, the external world and the internal ideal.

The immediate consequence of such preconceptions, visible particularly in the middle third of the nineteenth century, was to bring the systematizers into more intense participation in political and social reality than ever before, for their systems demanded man's concrete activity to work out the oppositions

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within the world (hence the difficulty of classifying men like Comte, Marx, Mill and Spencer within any specific field of thought). While conservative intellectuals appeared upon the scene and underlined the complexity of reality, the bulk of the thinkers continued to plug the same libertarian values, realizable through society, as had been advanced in the eighteenth century. However, as the century wore on into the 70s and 80s, the ever-growing consciousness of the multiplicity of reality began to take its toll. With conflicting material interests coming to dominate the political and social scene in an unprecedentedly unabashed form, the intellectuals tended to split up in a way far more basic than the political or even the philosophical differences between them. One section, perceiving this arena to be impervious to their ideals, withdrew to the Olympian heights of general criticism, while the others subordinated their theories to the interests of the institutions with which they cast their lot and became rooted in a self-consciously middle-class society. The latter tendency was reinforced by the development among academicians of a characteristic type of scholar who lived off the new specialization of disciplines and addressed himself to the study of isolated aspects of existence. Though neither necessarily nor universally definitive of the academic profession, this development, by slighting the general relationships of particular studies, has had the effect of excluding a sizable group of lay thinkers from the ranks of the intellectuals.

III

Even allowing for the inevitable errors of perspective, the thinking of our own century seems infinitely complex. The positions which Western man has taken for the past two thousand years all seem to reappear upon the scene and demand once more to be recognized as ultimate solutions. Religious thought in mystical, eschatological, or humanistic interpretations, rationalism, scientific materialism, idealism, are all in the arena still, not simply as the remnants of intellectual traditions but revivified, almost blatant in their present claims. But this very coexistence bespeaks a common element in the intellectual situ-

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ation in which they spawn. A frame of reference which permits of so many divergent interpretations is hardly any longer a single frame of reference. Karl Jaspers has said that complete systems of thought are no longer possible, that there is no longer any possibility of comprehending the whole of reality. What has happened is that the reality which was so ambivalently conceived by the nineteenth-century thinkers has lost that aspect which made it rational to man and compatible with his purposes. It has lost its cohesive power and has become fragmented; its total meaning has disappeared. And since reality in this sense is taken to include society as well as cosmos, it would seem that the tendencies exhibited in the latter part of the nineteenth century—hypercriticism, withdrawal, or subordination—have been carried through to their logical conclusions, that the ideas of the European intellectuals tend to escapism or to treason and their consequent position in society to impotence.

Certainly, this seems to be the reigning conception of the present status of the European intellectuals, one that is inherent in the mood of their literature and that constitutes the chief impression from current surveys of the situation.[3] Moreover, there would seem to be good evidence, aside from literature, for such a conclusion. An important segment of European thought between the wars was dominated by a combination of nihilism and activism, by the conception, that is, that a meaningless and mechanized world was closing down upon man and that the only possibility for man's self-assertion in such a world—and this possibility was limited—lay in the powerful deed, in which would be harnessed the primitive life-forces of elemental nature; the very fact of such deeds, rather than their ends, would be the triumph against the encroaching meaninglessness of which men's apathy and powerlessness were considered an integral part.

A corollary was the tendency to adhere to the social unit from which such power could be most effectively drawn and the hierarchical organization of society which would permit it to be utilized. This group, exemplified in the circle of *Die Tat*

[3] For example, *Saturday Review of Literature*, January 13, 1951.

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in Germany, was balanced by those who continued to believe in the values inherited from the eighteenth and nineteenth centuries but who, confronted with the utter imperviousness of reality to those values, could do little but talk of crisis. If the first group moved one step further along the road to immersion of thought in life, the second manifested an extension of the movement of late nineteenth-century criticism in the direction of withdrawal, since they had lost the notion of an essential system of reality which this criticism had had and consequently had lost the toehold in social reality from which to work.

For these movements to be understood aright it must be emphasized that they were reactions against the nineteenth-century systems and particularly reactions against the form which those systems took during the early part of the twentieth century in their first attempt to accommodate themselves to the new conception of reality; for the period from about 1890 until just after the First World War witnessed the return of the older idealism, in both its philosophical and its general moral sense, to the attempt to impregnate a balky reality with value. This was, significantly, the period of the neo—neo-idealism, with both variants of a neo-Kantianism and a neo-Hegelianism, as well as a revisionism which amounted to a neo-Marxism, both of the Right and the Left.

This was the period, too, in which it was realized that the former conceptions of a rational reality which permitted the realization of the ideal must be replaced by a new synthesis in which the ideal had to be worked, through the intensified activity of man, into a reality which could no longer be conceived systematically and to which consequently concessions had to be made. Thus the new German intellectual liberalism, of the Max Weber-Naumann stamp, combining a social ethic with national power. Thus the Fabian marriage of convenience with trade unionism. Thus the French insistence, in an Alain, a Péguy, a Juarès, on justice and integrity not as qualifying but as replacing a general system of thought. And thus, on a philosophical plane, the tendency of the neo-Kantians to scrap the *Ding-an-sich* and to proceed to emphasize beyond Kant the activity of human consciousness and particularly the necessity

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of communal action for ethical ends. For these groups, the nature of reality no longer afforded a coherent totality, but society, which represented the mediating sphere between man and this general reality and partook of elements of both, was still accessible to man. It was the First World War and its aftermath which effectively brought this attempt at reintegration to a close, which lined up society on the side of alien power, and which consequently fed into the undercurrent of general skepticism which had been developing from Nietzsche and Pareto.

This is not the whole story of the period, however. At this point we must distinguish between levels of intellectual activity. The process described above—that is, the new attempt at the realization of ideals and the subsequent combination of disappointment, pessimism and activism—certainly reflected the climate of the age, but at the same time it represented what we may call the secondary stage of ideas: that is, it represented attempts at adaptation by original thinkers and attempts at application by publicizers of ideas developed in a previous period. Simultaneously, however, thinkers began to work on another, a primary, level: apart from the social and the material forces of their age, they began to develop new philosophies to interpret directly, rather than through the medium of older ideas and values, the general experience of their age. That this experience called for a new approach is perhaps evident in the fact that for the first time since Hegel men demanded that philosophy retrieve itself from the function into which it had fallen of examining the methods and assumptions of the special disciplines, notably in the relationship of positivism to the natural sciences, and undertake a new and fundamental examination of reality. Hence some characterization—however superficial—of these new philosophies is probably more appropriate to and revealing of the general assumptions of the age which has produced them than the general mood expressed on other levels of thinking.

What is immediately striking about the new lines of thought is the difficulty of defining them. Not only has none of them achieved any position of predominance but even within each

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general tendency individual thinkers diverge markedly, thereby testifying to the breakdown of any accepted general framework of reality or of thought. "Schools" of thought, then, in the strict sense, are not to be looked for. With this reservation, however, certain classifications of philosophies of recent vintage can be discerned. The phenomenologists and the logical positivists represent transitions from older types of thought into the present age, the latter, to be sure, only in the logical rather than the chronological sense of transition. Consequently, they contain elements like phenomenology's aim of establishing philosophy as a rigorous science and its assumption of the essential rationality of reality and like logical positivism's self-dedication to explicating the bases and methods of the sciences, which are not wholly typical of contemporary thinking. But in other elements they are truly representative: not only does the phenomenological method, which is radical and dynamic rather than analytic and static, receive widespread current application, but its attitude toward the world of existence, in requiring the suspension of existence for the comprehension of rational essences, recognizes both its potentialities and its obfuscations; logical positivism reveals an implicit tension in its superimposition of "convenient" systems of symbolic logic, for the explication of meaning, upon the empirical basis which is, for it, the only knowable reality and yet of which these systems are structurally independent.

Here these two kinds of thought fall into line with the types of thinking which are peculiarly characteristic of our time: first, the philosophies of experience or process or life, manifested variously in metaphysicians like Alexander and Whitehead, idealists like Croce and Collingwood, and the philosophies of history associated with historicism, with or without their neo-Kantian attempts at an absolute, but generally having in common the rejection of stable concepts based upon an organized reality in favor of approximations to autonomous entities somehow experienced or intuited or pragmatically comprehended in their flight through time and history (the American counterpart would be pragmatism, and only here does this category show a genuine school); secondly, the familiar doctrines of

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existentialism, in its Christian and secular forms. One might add, of the older schools which have been decisively influenced by this newer thought, the Catholic personalism of Mounier and Marcel,[4] and the Protestant writings of the Barth and Tillich stripe.[5] What, for our purposes, can be said to be common to all these modern philosophies?

The basic attitude which must be emphasized, because it is so contrary to the general conception of modern thought, is its confidence. The fragmentation of reality, the loss of meaning, is to these schools nothing absolute; it is not the mark of failure of nerve or of mind, but rather is the result of errors of previous philosophy which posed a false set of questions and emerged with a false set of answers the illusory character of which is simply being proved in our age. Abjuring systems and arbitrary distinctions, such as the subject-object distinction, upon which systems have been founded, contemporary thought begins from what it considers to be irreducibles—the individual

[4] Catholic personalism represents the organization and development of a more general mode of thought going back to the latter years of the nineteenth century. Born in the reaction against the dissolution of the individual by scientific empiricism (particularly in psychology) and objective idealism, the explication of the integral "person" as a central concept found its chief early representatives in Charles Renouvier and Wilhelm Stern, and, in this country, at the University of California from 1919. The concept was taken up by the group of French Catholics around Mounier and Marcel (Denis de Rougemont is the one Protestant prominently represented) as a result of the world depression of 1929, and in this form has found an organ in the periodical *Esprit*, founded in 1932; its German counterpart can be studied in Walter Dirks and his *Frankfurter Hefte*. While this latest form of the concept may be said to be responsible for the "ism" in personalism, the movement is not to be regarded as constituting either a philosophical system or a political doctrine. Its proponents view it rather as an approach, an attitude, with nothing exclusive about it. What is characteristic of this approach is the equal emphasis upon the absolute and the relative, the ideal and the material, the moral and the social, the individual and the community. The "person", for these thinkers, represents the focal point for the necessary interplay of these vital elements: as opposed to the concept of the "individual", now tainted by scientific thought and classical economics, the "person" is the incarnation of totality in disperse and partial temporal history and consequently is the necessary center for any action which is to be both ethically determined and practically effective.

[5] It is, of course, arbitrary to lump recent Protestant thought together in this way. Karl Barth's neo-orthodoxy, for example, is very different in its original from Paul Tillich's religious socialism. In their later development, however, these two movements have drawn closer together, with Barth's provision for a social theory and Tillich's construction of a general philosophy.

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entity and immediate experience. The character of the individual entities varies, of course, with the specific philosophy: in the theories of process and in logical positivism, they are the individual "occasion" and the individual sense-datum which is experienced; in phenomenology and existentialism they are the individual mind or consciousness which experiences. For our purposes, however, these distinctions are not decisive. What is decisive is the common surrender or at least suspension of the conviction that the grasping of reality must be sought through its total coherence in favor of the conviction that the individual entity is a microcosm and is therefore the proper and indispensable basis for a new approach to reality. Moreover, it follows that the very dissolution of reality through the destruction of the absolute subject by history and the destruction of the absolute object by the new science—this very dissolution of reality into process which throws the totality of the process into the realm of the unknown—makes possible an unprecedently certain grasp of the individual constituents of that process; for the knower and the known are integral in experience. Knowledge can be attained only through concrete participation in a life-process which is made up of autonomous individuals. Knowledge then comes, not from contemplation, but from creative activity; this activity concretizes being into individual experience. Thus free, concrete participation makes up, according to this view, the individual life-process which is the basic stuff of reality.

The problem raised by this conception is clear: how does the individual entity, immersed in its own process, get beyond itself, how does it come to a relationship with the other entities and the other processes and thereby attain some knowledge of the whole? How, in other words, is meaning infused into the experience of the individual entity? This, of course, is the decisive question; for, having attained some security of knowledge through transferring the basis of their consideration from the reality of the world in general to the arena of the individual world, this question involves the return to the traditional problem of the general coherence of reality. The issue is not shirked

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by modern thinkers, who are proud of having escaped, to their own satisfaction, the dangers of solipsism and who extend their feeling of confidence from the comprehension of individual entities to the possibility of building the general structure of reality on this basis. Thus the phenomenological method includes not only a process of reduction, but one of the " constitution of the world ", while some logical positivists, at least, reject what they call the " reductive fallacies " of old-fashioned positivism in favor of an " attitude of reconstruction ".

The acknowledgement of the problem, however, does not mean that complete solutions have been worked out, but the general lines which such solutions should take have been indicated. In general, the answers given in modern thought revolve around the concept of transcendence, a concept which has undergone a change in meaning along with the general shift in the locus of thinking. Whereas formerly transcendence referred to a reality beyond and above the whole cosmos known by man and was therefore simply descriptive of two realms of reality, it now refers to a reality to be known or created within the cosmos beyond the particular experience of individual men at a certain time and a certain place and consequently becomes not simply a description but an actual power in the lives of men, opening them to the possibilities of action in a meaningful world beyond the here and now. By reason, then, of the individualized basis of reality, the concept of transcendence has become central in modern thought, not only for the question of ultimate reality, but even for the question of this-worldly reality.

The specific interpretations of this concept vary with each thinker, but for our purpose we may distinguish two different types of treatment of the problem of transcendence. In the first type, transcendence is filled by God, in the second by man. In the first type, only faith in God gives assurance of the coherence of all process and consequently of a meaning which can give direction to the individual life-process; that is, which can draw each moment of the process beyond itself and thereby provide not only the goals but also the very basis for continuous creation. Most of contemporary thought expounds or assumes

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a transcendence of this kind. The second type of transcendence is represented primarily by Heidegger and Sartre: through "conscience" and "decision", man, by an exercise of his sovereign freedom, engages himself in existence, from his interaction with existence he establishes goals for his own action and thereby, by creating being, transcends his immediate situation, his immediate experience. It should be noted that for neither type is the substantive direction of the transcendence clear, save for the specifically Christian section of the divine transcendentalists who fill the gap with revelation. For the others, transcendence seems to represent simply the categorical imperative to go beyond the present; the substance of the absolute thereby postulated seems to be no more than the sum of the individual absolutes which by its richness and diversity manifests the value of human freedom.

IV

This has been a difficult and abstract excursion, but one necessary to uncover the assumptions behind the kind of writing which the intellectuals have been doing since the war; for undoubtedly the chief issue for the intellectual has become that of engagement, and what this means can hardly be understood without reference to the total assumptions of the age. The external evidences of engagement are manifold. Not only do the general reviews intermingle philosophical, literary, political and social articles—with the purpose, as Dolf Sternberger announced in *Die Wandlung*, "of drawing Spirit into practical responsibility and illuminating politics with Spirit"—but leading exponents of the new philosophies have come down into the publicistic and even into the political arena (with the notable exception of Heidegger).

What we have called the primary and the secondary stages of ideas now meet on even terms in the discussion of European social and political problems. Most striking here have been the yearly meetings of the *Rencontres Internationales de Genève*, where philosophers like Karl Jaspers, Georg Lukacs, Nicholas Berdyaev, Merleau-Ponty, Guido de Ruggiero and Karl Barth and men of letters like André Siegfried, Julien Benda, Pierre

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Hervé, Georges Bernanos, Stephen Spender, Hans Paeschke and Denis de Rougemont have met to discuss problems which live in that intermediate zone of value between philosophy and society —problems like the European Spirit, Technical Progress and Moral Progress, Toward a New Humanism. The temper of these discussions is well illustrated by an incident which took place early in the discussion of technical and moral progress. One participant arose and tendered to the assembly a piece of advice, taken, he said, from an old Eskimo proverb: when you want to hunt the seal in the sea, don't go whistling in the mountains. This admonition to present concrete proposals for action took the conference by storm, thereby revealing the deep-rooted desire of European intellectuals to apply themselves to the solution of political and social problems.

From an external point of view, then, it would seem that the most recent period of European thought has been characterized not so much by the development of new philosophies as by the general recognition of the necessity for the intellectual to engage himself in the political and social arena. This simple interpretation of engagement, however, does not suffice either to explain the concept as the Europeans hold it or to explain what, under its aegis, the intellectuals are trying to do. It might be mentioned, in the first place, that such an interpretation is hardly distinctive, for in the 1840s this kind of engagement was precisely the rallying cry of the Young Hegelians in general and of the young Karl Marx in particular for their revision of Hegel. But secondly, and more important, the injunction to engage in social reality seems rather superfluous to an age which has been thinking along the lines which have been analyzed above: when the individual is so immersed in process, in existence, it is hardly a contribution to tell him to immerse himself still further.

Actually, engagement means two things. First, it states the fact, implied in all contemporary thinking, that men *are engaged* in existence, willy-nilly, and that consequently contemplative, static thought is an illusion. But secondly, it means that men *should be engaged* to transcendence, that is, to the moral purpose which reaches out beyond man's immediate ex-

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istence and in the light of which he undertakes the creative activity which gives meaning to his life. This double meaning is clear not only in Gabriel Marcel, who, incidentally, seems to have coined the term " engagement " in its contemporary philosophical usage, but in Heidegger as well. The implication of the double meaning of engagement is a dual attitude toward society.

In the first place, the individual *is engaged* in society; the existence of other individuals about him, the existence of social and political institutions, help to make up the total situation which goes to form the experience of the individual and hence to help make him what he is: in this sense, society is on the one hand necessary and on the other neutral or nauseous for the individual.

In the second place, however, the individual *should strive* to transform the original engagement to society into a moral one; through engagement to his own transcendent goal, he opens himself to an absolute (which he either attains or creates) which becomes the ground not only of his own personality but of his recognition of the personality of others and of his essential personal relationship to them.

The fundamental nature of this duality is reflected widely in contemporary thought, for society is seen increasingly as the arena in which the crucial struggles that are to decide man's destiny must be fought out: society is viewed both as an embodiment of the concrete existence in which man is immersed and as an instrument for the transcending of that existence. In the abstract form which much of contemporary German writing gives it, the duality appears in the prevalence of such themes as sleep, silence, phantasy, which are deemed to give man, apart from society, the continuity and the coherence which the broken-up rational articulation of society lacks and with which it must be supplied from outside itself. It appears too in such discussions as the one graced by the Eskimo proverb mentioned above; for, despite the acclaim accorded the demand for practical solutions, the subsequent debate was interrupted periodically by equally urgent warnings of the perils of unremitting social concretion and by demands for purification through discussion of philosophical principles. The duality

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is striking in Immanuel Mounier's idea of the basically dramatic quality of human history, of the eternal withdrawal and return of Christian faith, characterized at once by transcendence and incarnation, from and to human society, which alternately is fructified by that faith, attracting it into social participation, and corrupts it, repelling it into an extra-social realm for its self-purgation. The duality is evident too in the many current spiral conceptions of human history, which bespeak the alternation between man's creative transformation of his social world and the oppressive weight of this world upon man's freedom. Indeed, in these ideas the infinite drama, with its implications of ultimate imperfection and incompleteness, is not only necessary but desirable, because it provides an ever-recurring challenge to man's assertion of his freedom and of his creative capacities. This line of thought is closely associated with the conception of man's self-alienation and self-recovery which are present in the thought of Hegel and emphatic in the thought of Marx. It is the present relevance of this conception which helps to explain the recent revival, in France at least, of interest in the young Hegel and the young Marx. It helps to explain too why the same climate which leads intellectuals toward existential forms of thought leads so many also to Marxism.

V

Given the emphasis upon engagement, the concern of the intellectuals with specific social and political issues follows naturally, but, since the concept of engagement is part of a general attitude and not of a philosophical system, the applications are not logically consequent. The content of such applications is not given in structured social and political theories. If the ideas in this field contain a pattern, it must be elicited from a series of concrete proposals. Here two examples of such proposals will be examined: on the social problem and on the problem of the nation-state.

The connection between the intellectuals' general concept of man and their judgment upon the present condition of European society lies in their conviction that the present situation represents an epitome in the process of man's self-alienation.

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There is widespread preoccupation with the problem of the technical civilization in all its ramifications: mechanization of labor, of the state, of public opinion, of war, and even of thought—the last in the form usually of a critique of the older Cartesian basis of scientific thinking. This concern is hardly new, and it must be owned that the solutions proffered are hardly much of a novelty either. They are in agreement on the necessity of what in general seems to be a liberal socialism. What is surprising is, first, the enthusiastic propounding of such a solution, secondly, the general theoretical agreement on the subject, and, thirdly, the basis of their position. For the basic motif is neither democratic nor socialistic, but rather individualistic. And this in two senses: first, that ultimately the highest values to be served are values of the individual, and second, that the only possible means of social salvation are these same values of the individual.

What are these values? The names given them are familiar: humanism, liberty, moral spirit. Only these forces, coming from the inherent creative power of individuals—and particularly intellectuals—can create a society in which these forces will be safeguarded. Where then does the socialism come in? Socialism is simply a required condition of engagement and partakes of the dual nature of engagement. It is considered both as an inevitable aspect of the hostile social world in which the spirit must work and as a portion of the transcendent goal to which the spirit must commit itself if man is to recover control over his destiny. This kind of thinking scarcely constitutes a rigorous political system and actually within its framework there is at least one important distinction. For those who fill the labels humanism, liberty, moral spirit, with a traditional content, the emphasis is upon the individual, upon the liberal in liberal socialism.

This tendency is particularly true for men like Karl Jaspers, whose acceptance of the necessity of socialism is reluctant indeed, and finds its extreme expression in the Moral Rearmament group, now active on the continent as well as in England. For the Catholic personalists, who seek to infuse traditional Christian values with a radically new interpretation, individualism

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and socialism are in delicate balance—and tension. For those thinkers, finally, who consider the common labels simply as forms which provide the necessary conditions of social action but which require a new content that cannot be defined in advance, the emphasis tends to be upon the socialism, in the faith that experience will create a new and genuine relationship between the individual and society and will thereby also create a new ethic. Thus when Sartre helped found his political organization in 1948, he defined its program simply to be revolutionary democratic socialism as a transcendent goal arising from the projection of man's freedom in his actual social situation, but at the same time he admitted that a theory which would bridge the gap between the conditions and the goal could be established only through discussion based upon the experience of the association itself. It can be said that this pattern, in which the initial reality is firmly comprehended, the final goal generally envisaged, and the connecting social means entirely confused, is a quality bequeathed to political thinking by the general character of contemporary thought.

The absence of a clear line capable of resolving in action the dual conception of engagement leaves the impression that the European intellectuals feel the need both to take account of and yet carefully to skirt around every vital force in European society. The repeated injunction that men remain "open" to all possible experience, the conviction that all systems contain partial truths, the emphasis upon attitude as opposed to doctrine, with the concomitant striving to penetrate all groups and parties rather than to form parties themselves (hence the recent emphasis on the "Rally" and the "Movement" as against the "Party")—all these ideas testify to the eclecticism of contemporary political thought.

At the same time, however, it must be said that the vagueness of the social thinking by European intellectuals today is at least in part attributable to the conviction that the social problem is not, as such, the ultimate one in the current political scene. This consideration brings us to our second illustration of the results of the intellectuals' engagement—their proposals concerning the nation-state; for what does seem to be ultimate,

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for them, is the general problem of transcending the old nation-state and of achieving a new level from which European society may take a new start and on which the old formulas may assume new meanings. The prevalent concern with European unity is, for the intellectuals, not so much an issue in itself as a possible wedge into the solution of this general problem. Silone has written that the old distinction between Right and Left, as measured in political or social terms, is an anachronism, and must give way to what is today the essential distinction—pro-union and antiunion of Europe—on the grounds that the social problem cannot be resolved within the traditional framework given by the national state.

As far as the international relations of the intellectuals themselves are concerned, the problem of European integration seems to present no great obstacles. Writers of different nationalities meet together in discussion, write in one another's journals, and study one another's output. Again, although no system of thought exists to which intellectuals of various nationalities can subscribe—save possibly Catholic personalism, and this has obvious limitations for unity—the break-up into various schools has not followed national lines. It is true that the empirical tradition remains strongly dominant in England—and this must be accounted an element in the general position of England vis-à-vis Europe—but on the continent the influential rôle of existentialism in France and Germany, and of Crocean idealism in Italy, is hardly exclusive. In any case, the day has long passed when adherence to a philosophy implied a definite political position or vice versa, and the general presuppositions behind contemporary thought are sufficiently uniform and sufficiently flexible to permit the kind of agreement on general social and political principles such as those discussed above.

Consequently, the intellectuals agree that there is such a thing as a particular European spirit and that it should have its counterpart in a European political union. The basis of the agreement follows the general pattern of contemporary European thinking: it begins from a recognition of the evils of the national state, which is seen as simply another aspect of contemporary society alien to the human spirit, and it postulates a

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European union as a goal which will do away with the evil by establishing a new political environment. But on this basis the goal is not defined precisely enough to permit a clear view of the means to it. For, if the European union must not become another national state, a danger against which most intellectuals warn, and if the European spirit is defined in terms of a universal humanism, as they do define it, then what is the point of a merely European union? And so indeed many European intellectuals, including the French existentialists, the French personalists, and the Protestants influenced by Karl Barth, refuse to consider Europe in ultimate political terms; rejecting the whole notion of power blocs, rejecting alliance with the national states of both East and West, they invest Europe with the task of working out, in freedom, universal problems common to all humanity. Neutralism, then, is justified for such intellectuals, to apply the terms used previously, by a dualistic conception of engagement which views the existing states as its arena and absolute goals as its transcendent.

This idea was clearly formulated in an open letter signed by a large group of French intellectuals under the aegis of *Esprit* to the United Nations in 1949: referring equally to the Warsaw Congress and statements of American atomic scientists, the intellectuals petitioned for a radical peace policy in order that liberty might be secured and socialism achieved in the European nations. Consequently, neither the French existentialists nor the personalists are particularly enthusiastic about the movement to European Union. The existentialists pass over it in silence, while the personalists see the project not as a creative enterprise but rather as a collection of countries pooling the dishonor and the humiliation which they feel vis-à-vis the United States. Many of the German intellectuals, excluding the social democrats and the Protestants under Barth's and Niemoller's influence but including the German personalists, are, on the other hand, emphatically in favor of European union and opposed to neutralism. British writers like Bertrand Russell and Richard Crossman tend to gloss over European union in favor of the Atlantic community, while the nonsocialist Barbara Ward gives equal emphasis to both. For the Germans the moti-

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vation seems clear. For them the European union is an arena of freedom in three respects: it frees them from the dangers of a German state and from foreign occupation while still granting protection from Soviet invasion. The British, who talk in terms of what Crossman calls " democratic realism ", tend to associate their values with the existing state-system; Russell's insistence that only a philosophy of empiricism can support liberal politics would seem to be relevant to this line of thinking. Thus, for those who are prounion and antineutralism the arena and goal of engagement meet at the intermediate level of Europe, while for those who are both antiunion and antineutralism transcendence is subordinated to the existing arena or power politics.

This general disparity of the views of the European intellectuals on the question of Europe within a common, vague acceptance of the need for some kind of European collaboration is another expression of the familiar pattern: they are aware of the difficulties of the existing situation and have some idea of a goal which should overcome them, but no clear idea of the path from one to the other. Indeed, we may conclude further: much of the confusion seems to come from the fact that when they say that they want European unity, it is often a covername for something else that they really do want. Actually, it is any of the possible permutations afforded by the combined problems of peace or war and of greater or less social change that determines their respective conceptions of European cooperation, and since there is no agreement on how these problems are to be handled it is hardly surprising that the views on the question of Europe are various and that the concern with realizing unity is not urgent.

VI

What, then, can we conclude from this analysis of the European intellectuals?

First, they are convinced that they can understand the reality of our world and our society and that this reality, by reason of its very discontinuity, can be acted upon, within limits, by man.

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Second, as their difficult concept of engagement attests, they are making the effort themselves to come to grips with political and social reality while avoiding submergence in it. In this respect they are trying to steer a difficult course in order to arrive at a position approximating the one held in the eighteenth century.

Third, they differ markedly from the eighteenth-century intellectuals in that their political and social ideas do not lead society but rather seem to lag behind it. Despite the new context which they bring to values like humanism, the person, liberty, progress, they do not have sufficient content to distinguish them from the same hackneyed terms which are used in the official language of every-day politics and which are no longer whole-heartedly believed in.

Fourth, one of the reasons for the lack of new content is the incomplete status of contemporary thought—incomplete particularly in the absence of an effective social theory.

Fifth, the absence of new social and political theory is in part the consequence of the fact that the intellectuals do not know to what particular social forces they can engage themselves in order to concretize their general ideas. Sartre's withdrawal from the organization on which he depended to develop a social theory, on the grounds that he felt there was no place for it in the contemporary world of politics, is a case in point.

Finally, then, the intellectuals seem to have completed the circle started in the eighteenth century. Once more, they are the middle-class liberals par excellence. But now their prominence seems to be that, not of the vanguard, but of the stragglers. It is hardly surprising, then, that the theme of political and social engagement has already been labeled the theme of the 1940s and that other intellectual developments, suitable to the new decade, are anticipated.

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NATURALIZATION UNDER THE AMERICAN COLONIES: SIGNS OF A NEW COMMUNITY

THE American Revolution compels a description of the divergences of colonial institutions from those of England—the signs of a new community. Naturalization, which was a minor but significant phase of colonial history, has yet to be described with this in mind. The implications of policy and practice with respect to incorporating aliens reveal the nature of a community. In the case of the colonies these implications are found in the very existence of legislation on the matter, in the scope of the rights granted under it, in the requirements for admission to those rights, and in the broad purposes which such admission served. Naturalization in America before 1776 exhibits a community, the character of which was separate and distinct from that of England.

The exercise of the power to incorporate aliens was all but universal among the colonies and was predominantly popular in its origins. All of the thirteen provinces, except New Hampshire, at one time or other directly or indirectly gave rights to aliens. And the power to do so was assumed, since none of the royal charters granted it.[1] With some exceptions naturalization was performed by the colonial assemblies or under authority derived from them. In New York and Maryland, to be sure, the governors at one time admitted aliens to rights through the issuance of letters patent of denization, but this practice was forbidden by an Order-in-Council in 1700 and was not authorized thereafter.[2] In Carolina for possibly two decades after 1669 the requirements for naturalization were es-

[1] In New Jersey and Carolina the power to naturalize was delegated to the assemblies by the proprietors. The latter, however, had assumed authority in the matter, since they were not granted any such power in their charters. See Francis Newton Thorpe (ed.), *Federal and State Constitutions* (Washington, 1909), V, 2539; VI, 2759. See note 3.

[2] For this Order-in-Council, see *Calendar of State Papers, Colonial Series, America and West Indies, 1700* (London, 1910), p. 34. For a discussion of letters of denization issued in North Carolina, see note 6.

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tablished by the proprietors in the Fundamental Constitutions, and no action had to be taken by the province.[3] On the other hand, in Rhode Island and again New York even local authorities for a time granted privileges to aliens. In the former the towns made aliens "denizens", a procedure which was continued at late as 1702, while in the latter foreigners during the early years were made subjects throughout the province by being admitted freemen of New York City.[4] Other than in these instances, however, action in this matter was an expression of the public will through provincial legislation.

Furthermore, in most of the colonies the naturalization of foreigners was not an incidental affair but a well-established public practice. This was evident from the scale on which special private acts were passed by several of the assemblies and from the enactment of many general laws both temporary and permanent. Under the private act procedure each alien naturalized had to be named in a special bill passed by the legislature and approved by the governor. This method was employed on a considerable scale for two decades or more in six colonies. Rhode Island from 1751 to 1774 passed twenty acts for twenty aliens; New York from 1718 to 1773 forty-two in behalf of at least one thousand fifty-five; New Jersey from 1702 to 1772 thirty-seven in favor of over three hundred twenty; Pennsylvania from 1709 to 1773 thirteen for about five hundred seventy-five;[5] Maryland from 1663 to 1771 sixty-seven in behalf of over two hundred fifty-two; and finally Virginia from 1658 to 1680 eighteen in favor of thirty-seven. North Carolina employed private act legislation from about

[3] In 1669 the Fundamental Constitutions supplanted the Original Grants and Concessions. See Ben: Perley Poore (ed.), *The Federal and State Constitutions* . . . (Washington, 1878), Part II, p. 1408. See notes 1 and 8.

[4] For the procedure in Rhode Island, see Sidney S. Rider, *The History of Denization and Naturalization in the Colony of Rhode Island* (Providence, circa 1905), pp. 8-11. This action was tantamount to naturalization within the colony, since it put the alien on an equal footing with the subject in regard to admission as a freeman. For the related practice in New York, see *Collections*, New York Historical Society, 1885 (New York, 1886), pp. 41-42.

[5] Although naturalization in Pennsylvania was an established public practice, it was not liberally exercised. When the large foreign immigration to the province is taken into account, thirteen acts in over sixty years is a comparatively small number. No acts at all were passed between 1709 and 1724 and between 1739 and 1763.

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1690 to apparently 1740 and possibly even thereafter, but no significant figures are available as to the total number of acts.[6]

While in some cases a general law simply preceded or supplemented private act procedure, in others it was virtually a permanent institution. By this method naturalization was granted on the fulfillment of certain requirements without the passage of any special legislation. Such a law might apply either to aliens resident at the time of its passage only or to aliens of future residence as well. The former type of statute was passed by New York in 1683 and 1715 and by South Carolina in 1696, but all the other laws were of the latter sort. A general system was in operation in Pennsylvania from 1682 until probably 1693,[7] in Maryland from 1692 to 1694 and from 1734 to 1740, and in Carolina from 1669 to about 1690.[8] In four colonies, however, it was the prevalent procedure. Delaware instituted it in 1700, Virginia in 1680, South Carolina in 1704, and Georgia its equivalent in 1759,[9] and in these instances it remained in force until or after the American Revolution.

In brief, in all but three of the colonies either a general law, or a private act procedure, or an equivalent, was in operation

[6] See Department of Archives and History, Raleigh, *General Court Minutes, 1695-1712*, p. 129 (new pagination); also *North Carolina Historical and Genealogical Register*, vol. 3, No. 1, Jan. 1903, pp. 140, 143 (2), 147. See also *The Colonial Records of North Carolina* (Raleigh, 1886-1890), II, 462-463; IV, 494.

[7] The act of 1682, passed, of course, under the proprietor, was apparently voided when Pennsylvania became a royal province in 1693-1694. It was not reënacted when Penn again took possession. See *Charter to William Penn and Laws of the Province of Pennsylvania . . . 1682-1700* (Harrisburg, 1879), p. 154n.

[8] That portion of the Fundamental Constitutions which established a general naturalization was in actual operation. See Poore, *op. cit.*, Part II, p. 1408. For record of its use, see Department of Archives and History, Raleigh, *General Court Minutes, 1695-1712*, p. 98 (new pagination). See note 3 *supra*.

[9] In Georgia, uniquely among the colonies, aliens who were possessed of fifty acres were given the right under the suffrage laws to vote for members of the assembly. That the laws intended this was evident from the fact that members of the assembly, unlike the voters, were required to be native-born or naturalized under the parliamentary statute of 1740 (13 Geo. II, c. 7). This legislation was tantamount to a general naturalization, since aliens thereby automatically acquired rights within the province. For the suffrage laws, see Department of Archives and History, Atlanta, Allen D. Chandler (ed.), "The Colonial Records of Georgia" (unpublished typewritten transcript), XXVIII, Part I-A, 285-287; and also *The Colonial Records of the State of Georgia* (Atlanta, 1910), XVIII, 465-467.

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during most of their legislative history. Only in Massachusetts and Connecticut was naturalization an incidental matter. The former did pass a general act in 1731, but there is no record of any action under it after 1732.[10] And the latter passed only two private acts, both in 1773. As already noted, there was no legislation at all in the case of New Hampshire.

Naturalization under colonial law was not supplanted by the parliamentary statute of 1740, which established a general system in all the American plantations. Under this law foreign Protestants and Jews could be naturalized without any legislative action after seven years' residence. The residence requirement, then entirely absent from the colonial laws, compelled the foreigner to suffer for seven years the disabilities of alienage, the most burdensome of which was the possible loss of his real property through its escheat to the crown. There was thus still occasion for the relief of aliens. Local procedures continued for the most part to be employed, while the parliamentary one constituted in most cases simply an alternative to them. Pennsylvania and Maryland, it is true, virtually abandoned all naturalization for over twenty years after 1740, but they took it up again on a reduced scale over a decade before the Revolution. In New York and New Jersey, on the other hand, the rate of private act legislation actually increased. In four colonies general laws were on the books after 1740, and in three of these—and probably four—were in actual use.[11] Rhode Island in 1762

[10] The act of 1731 was approved by the Board of Trade, but no evidence has been found in the Council Records, Council Minutes, Court Records or any other material in the Massachusetts Archives, showing any petition or action under the law after September 26, 1732. See Transcripts, Historical Society of Pennsylvania, *Board of Trade, Journal,* vol. 41 (1731), pp. 274-275; see also *Massachusetts Archives: Council Records* (1727-1735), IX, 290, 335, 375 (2), 378.

[11] For evidence that the Virginia and South Carolina laws were in operation after 1740, see Virginia State Library, Richmond, *Transcripts, Public Record Office,* London, C. O. 5, vol. 1350-1352, pp. 68-69 (Governor Dunmore to the Earl of Dartmouth, March 20, 1774); and South Carolina Historical Commission, Columbia, *Council Journal,* 1742-1766, *passim.* The South Carolina law of 1704 was repealed in 1784 and again in 1786, which suggests its use at least up to the Revolution.

In Georgia the equivalent of a general procedure was, of course, not instituted until 1759. See note 9 *supra.* In the case of Delaware the records which would indicate the use made of the act of 1700 at any time are unfortunately not known to exist. But, the fact that the act was specifically "supplemented" by an act passed in 1788 strongly implies that it was in actual operation even after the Revolution.

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even went so far as to declare the British act inoperative in that colony, while at the same time its assembly persisted in granting rights to aliens on its own.[12]

To the degree that the colonies willfully and persistently admitted aliens to rights, they were communities separate from the mother country. The assumption and exercise of the power to naturalize were the assumption and exercise of a power which historically and by its very nature was a sovereign one. Previously, in England, only the ultimate authority, the crown and parliament or the crown alone, had granted rights to aliens, and no subordinate or corporate entity had treated of the matter. The admission or exclusion of persons inherently requires the creation of ultimate objectives for a community, since only in terms of such objectives could such action be taken. The exercise of the right to admit and exclude, therefore, means that a community has to that extent its destiny in its own hands.

The rights of a subject granted to an alien by a colony were confined to the limits of that colony. From the early years the laws themselves specified this, making provision that the strangers would " become his Majesty's subjects within the said colony " only. In South Carolina, for example, the statutes were even entitled " An act for making aliens free of this part of the province ". In other words, naturalized foreigners remained aliens in the rest of the king's domains, including the other American provinces. What is more, in Georgia under the suffrage laws aliens were given rights without taking any oath to the sovereign, and thus, although they could vote, remained out of allegiance in that settlement as well as in the rest of the empire.[13]

This limitation of the extent of rights was confirmed and enforced by the decisions of the English courts. In an opinion handed down in 1682 the Lord Chief Justice held that a foreigner naturalized by a colony was not entitled to the benefits of the navigation acts and thus could not be the master of a

[12] Samuel Greene Arnold, *History of the State of Rhode Island* . . . (New York, 1859-1860), II, 494-495 n. This ruling by the Superior Court contended that the colony was overpopulated, that many persons were emigrating from it, and that therefore foreign immigration was undesirable.

[13] See note 9.

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vessel in the colonial trade. This decision was based on the explicit dictum that " naturalization in a colony is only local." [14] This ruling became axiomatic, and was ordinarily obeyed except in the case of Rhode Island for two decades or so before the Revolution and in the case of the two acts passed by Connecticut. In these instances the laws clearly proposed to grant rights throughout the king's dominions. It must be kept in mind in this connection that these colonies were not particularly interested in foreign immigration, but were active in the evasion of the navigation acts.[15] In Rhode Island the grants were largely made to merchants, and their basic purpose thus seems to have been the avoidance of trade restrictions. They cannot, in any case, be taken as an indication of an unwillingness to give purely local rights. Indeed, as we have seen, this colony granted such rights in the earlier years when there was interest in foreign settlement.[16]

Although only local in effect, the rights granted under colonial naturalization gave the foreigner status and power in the community. He was thereby accorded full civil rights, the most important of which was landholding, and with rare exception was also given the rights of the subject with respect to voting.[17] In seven colonies naturalized subjects could also usually hold office, and many did so.[18] In the others—Con-

[14] *Calendar of State Papers, Colonial Series, America and West Indies, 1681-1685*, pp. 243, 250. For a similar opinion rendered by the Solicitor-General in 1719, see George Chalmers, *Opinions of Eminent Lawyers on Various Points of English Jurisprudence* (Burlington, 1858), p. 33.

[15] See note 12.

[16] See note 4.

[17] In 1709, 1724 and 1726 Pennsylvania passed acts of naturalization intended to grant only the right to hold land and, under the last two acts, to trade as well. See *The Statutes at Large of Pennsylvania from 1682 to 1801* (Harrisburg, 1896-1911), II, 297-300; III, 425-426; IV, 57-59.

[18] For instances of naturalized subjects holding office in New York, see *Journals of the Votes and Proceedings of the General Assembly of the Colony of New York, 1691-1743* (New York, 1764), I, 515-520; in Virginia, see *Journals of the House of Burgesses of Virginia, 1695-1702*, H. R. McIlwaine (ed.), p. 124, and *Virginia Magazine of History and Biography*, vol. XXXVIII, Oct. 1929, No. 4, p. 379; and in North Carolina, see *North Carolina Historical and Genealogical Register*, vol. 3, No. 1, Jan. 1903, p. 143, and Department of Archives and History, Raleigh, *General Court Minutes, 1695-1712, passim* (circa 1711-1712). For the exclusion of naturalized Catholics and Jews from office, see *infra*.

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necticut, New Jersey, Maryland, South Carolina and Georgia—they were forbidden to hold seats in the legislature, or, as in England, were excluded from all offices.[19] Save this single disability, which operated in less than half of the colonies, the naturalized subject and the native-born subject were ordinarily equal within their own province.

In spite of the fact that naturalization under the parliamentary act yielded the rights of the subject throughout the empire, some foreign settlers preferred to obtain the purely local status. The majority of those who procured the provincial grant were probably ineligible, due to their brief residence, for the imperial one. Nevertheless, certain aliens were qualified for the broader rights, and yet, in spite of the greater practical obstacles and expense involved, sought and obtained the purely local ones. Of such action there were at least eleven instances in New York, one in New Jersey, one in Maryland, and one in Virginia.[20] Doubtless there were others in these and the rest of the colonies which cannot now be determined.

In so far as persons alien to the king in England were united with the colonial communities, those communities were separate from that realm. Such a union meant that persons without rights in the rest of the king's domain, and without loyalty to it, could at the same time possess rights in a colony and be loyal

[19] In Maryland the exclusion was not under naturalization laws or practices, but under another statute passed in 1716. See Bacon's *Laws of Maryland* (1763), Chap. XI, Sec. V. In New Jersey and Connecticut each private act apparently contained a proviso to this effect. However, in the case of New Jersey only the titles of most of the acts have been available for this study. See Kinsey's *Laws* (Philadelphia, 1732), p. 271; also *Publications of the Huguenot Society of London*, vol. XXIV (1921), p. xvi (Introduction). In South Carolina and Georgia the restriction was established in the general laws or their equivalents (q. v.).

For the statute establishing exclusion in England, see 12 and 13 Wm. III, c. 2.

[20] For these cases, see *Journals of the Votes and Proceedings of the General Assembly of the Colony of New York, 1744-1765* (New York, 1766), II, 85, and *The Colonial Laws of New York, from the year 1664 to the Revolution* (Albany, 1894), III, 1075. Eleven (Christopher Crammer, Michael Sugar, etc.) first petitioned in 1745, failed to obtain naturalization then, but did so in 1755; see also Bureau of Archives and History, Trenton, "Petitions for Naturalization, 1749-1810" (N. J. Public Record Office, Trenton, 1930, Mss.), Petition of Jacob Autony, November 14, 1760; *Archives of Maryland* (Baltimore, 1883-19—), LXIII, 281; *William and Mary College Quarterly Historical Magazine*, 1st Series, vol. IX, Oct. 1900, No. 2, pp. 132-133.

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to it. They often had power as well as rights, power denied in England to aliens naturalized there. Furthermore, in one colony those without any allegiance at all to the king could still have rights. All this was possible only because there were local purposes afoot apart from those of the mother country, for only in terms of such purposes could purely local rights and loyalties be generated. That on occasion foreign settlers preferred provincial to imperial rights was testimony of the reality of the new source of privileges and duties. And the fact that the local subject was created in part at English insistence meant only that English policy was privy to the consequent separation. The existence of local rights and loyalties, for any reason, implied that to this degree the destiny of the colonies was distinct from that of England.

In all of the colonies the few qualifications that bore on religion allowed the naturalization of foreign Protestants. The oaths and tests established by English law and ordinarily required in America did not exclude followers of this faith, except those who scrupled taking oaths of any sort. And in Pennsylvania in the early years even these foreigners were admitted to rights on their promise of fidelity.[21] The issue of religious faith was not always emphasized. Whereas the titles and preambles of some of the acts as well as the petitions for them noted that the persons to be naturalized were foreign Protestants, others made no mention of religion at all. Furthermore, under colonial laws or practices no religious rite of any sort had to be performed as a condition for naturalization.

The granting of rights to foreign Jews was a deliberate and established public policy in Rhode Island, New York and Georgia, the places where they settled in the largest numbers. In the other colonies either they were excluded from rights or their incorporation was an incidental matter. In Rhode Island foreign Jews were naturalized with full rights during the quarter of a century which preceded the Revolution—the only period for which conclusive records have been found.[22] Be-

[21] See note 7.

[22] For instance, see *Acts and Resolves of Rhode Island. Facsimile Reprints, 1747-1775* (Providence), I, 38 [act passed August 1751 (24 Geo. II) in behalf of Peter Simon]; III, no page [act passed February 1761 (1 Geo. III) in behalf of James

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fore that time possibly others were similarly favored or may have been admitted freemen.[23] In New York at least twenty-five were naturalized from 1715 to 1773, receiving under the acts the same rights as other aliens.[24] In actual practice, however, all Jews, both naturalized and native born, were, in this province, as in England, apparently excluded from office-holding and possibly for a time after 1737 from voting as well.[25] In Georgia foreign Jews as well as Protestant aliens were granted the right to vote for members of the assembly under the suffrage laws of 1759 and 1761, although they were at the same time barred from election to that body.

Even though foreign Catholics were largely excluded from naturalization, there were signs of a willingness to admit them to rights. For various periods during the seventeenth century their naturalization was a deliberate policy in four colonies. Such was the case in New York under the law of 1683, in Pennsylvania under that of 1682, in Virginia by the provisions of

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Lucena (see Arnold, *op. cit.*, II, 494)]; III, 157 [act passed August 1762 (2 Geo. II) in behalf of John Morell].

Naturalization by the assembly should not be confused with that under the parliamentary act (13 Geo. II, c. 7). In 1762 the Superior Court declared that act inoperative in Rhode Island. It also refused naturalization under it to two Jews, on the ground that the Digest of 1719, which included an act allegedly but not actually passed in 1662[3], limited the rights of freemen to Protestants. The assembly obviously disregarded the Digest. See Arnold, *op. cit.*, II, 494-495n.

[23] Abraham Campanall was licensed a freeman in September 1688. Although otherwise unidentified, he was probably a son of Mordecai Campanall, a foreign-born Jew who settled at Newport in 1658. In that case, he was also probably a natural-born subject. See John Russell Bartlett (ed.), *Records of Colony of Rhode Island . . .* (Providence, *1856-1865*), II, 243; also *Publications of the American Jewish Historical Society*, No. 6, pp. 62, 68.

[24] See: *New York Historical Society Quarterly Bulletin*, vol. 3, No. 2, July 1919, pp. 35-36; *The Colonial Laws of New York . . .*, II, 164, 299, 418, 513, 986; III, 443; IV, 357, 618, 844, 999, 1118; V, 118; *Journals of the Votes and Proceedings of the General Assembly of the Colony of New York*, II, 244, 463, 464, 473, 505, 506, 593, 697; III (1767-1768), 38, 50; III (1769), 48; III (1769-70), 77.

[25] In 1737 the members of the assembly in a moment of excitement passed a resolution that it was their unanimous opinion that, since Jews could not vote in England for members of Parliament, "they ought not to be admitted to vote for Representatives in this colony." See *Journals . . . of the General Assembly . . .*, I, 712. This was simply an expression of opinion as to what the law of England required and was not the enactment of law. In fact, no colonial statute was ever passed excluding Jews from the franchise, although statutes were, of course, passed establishing the machinery for the exclusion of others.

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the act of 1680, and finally in Maryland under practices in effect from 1663.[26] While this procedure was in operation, Roman Catholics could vote in all these colonies and hold office except in Virginia. With the establishment in America of the authority of the Protestant settlement in 1689, this policy came to an end. Thereafter the oaths and tests established in England for the exclusion of Roman Catholics from virtually all rights were applied in America. Obviously this change was not brought about by any developments in the colonies, but by the revolution in England and by the consequent struggle with Catholic France. The imperial ties rather than purely local interests compelled the exclusion of Romanists. Left to their provincial concerns, certain of the colonies had allowed them. And, indeed, even during the eighteenth century they were on occasion naturalized in Rhode Island.[27]

The virtual carte blanche to foreign Protestants, the absence of the performance of any religious rite, the limited but deliberate welcome to foreign Jews, the willingness at times to incorporate Roman Catholic aliens were all in sharp contrast with the practice in force in England.[28] In the seventeenth and

[26] In Maryland even the general law passed as late as 1692 required only the oath of allegiance and no other oaths or tests, and it thus contained no provisions which would exclude Catholics. See *Archives of Maryland*, XIII, 440-441.

[27] For an instance in Rhode Island, see *Acts and Resolves of Rhode Island*, I, 76 [act passed February 1753 (25 Geo. II) in behalf of Stephen Decatur]; also Arnold, *op. cit.*, II, 494. For a probable instance, see *Acts and Resolves . . .*, I, 25 [act passed June 1751 (24 Geo. II) in behalf of Francis Ferrari, Genoese].

For a possible instance in Maryland, see *Archives of Maryland*, XXXVII, 567. Onorio Rozilini, a Venetian, was naturalized by an act in 1732. His nationality suggests that he was a Catholic, and this is further suggested by the fact that the act did not note that he had taken the regular oaths but that he had "qualified himself according to law"—a vague phrase uniquely employed in his case.

[28] The only practice considered here is naturalization by act of parliament. Aliens in England were also admitted to rights through the issuance of letters patent of denization by the crown. However, the exercise of this procedure was a royal prerogative, not a public expression. Although it was used extensively on occasion, particularly in behalf of the Huguenots, and was even employed in behalf of Roman Catholics after the Restoration, it did not grant full rights absolutely and finally. When the problem of incorporating aliens was the subject of public discussion, naturalization alone was considered. Denization was never a public issue, and during the eighteenth century it suffered the gradual eclipse which was the fate of the other prerogatives of the crown.

The following are the basic statutes on naturalization which applied in England

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eighteenth centuries, with brief exceptions, only those foreigners who would take the sacrament in the Established Church could be naturalized by parliament. This meant, of course, that Jews and Roman Catholics were barred. In addition, although the Huguenots as a rule found no difficulty in fulfilling this requirement, other Protestants of more tender scruples were thereby excluded. The general law of 1709 to 1711, it is true, did allow all foreign Protestants to be naturalized, and for one year following 1753 Jews were similarly favored. Yet these liberalizations were obviously of short duration and never included Roman Catholics. The parliamentary act of 1740, which applied only to America, recognized colonial practices by allowing the naturalization of Protestants and Jews, but at the same time maintained to a degree the English procedure by requiring that Protestants take the sacrament in some church and by excluding Roman Catholics absolutely.

The cost of obtaining naturalization could, broadly speaking, be met by those possessed of small means—persons with some ready cash. Although the fees required by law varied from time to time as well as from colony to colony, the following charges were representative: Massachusetts, 7*s*.6*d*.; New York, from 9*s*. to 34*s*.; Delaware, 42*s*.; Virginia, 50*s*.; North Carolina, 20*s*.; and South Carolina, 2 royals (30*s*.?). In Georgia, of course, there were no fees at all. The alien did have to possess fifty acres of land, but in view of the land bounty this requirement excluded virtually no one except the indentured servant. There were often costs in addition to the fees. In New York, for instance, the services of a lawyer were on occasion retained by a group of persons seeking the passage of a private bill.[29] And in Virginia the expense of a trip to the capital was necessary for the taking of the oaths, although after 1738 this requirement was omitted for those living in certain frontier counties.

The tendency, however, was to keep the cost of naturalization down. Where private act legislation was employed, there were often charges involved in obtaining the passage of a bill.

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during the seventeenth and eighteenth centuries: 7 Jac. I, c. 2; 15 Carl. II, c. 15; 6 Anne, c. 37; 7 Anne, c. 5; 13 Geo. II, c. 3; 22 Geo. II, c. 45; 26 Geo. II, c. 26.

[29] *Letters of Isaac Bobins, Esq., Private Secretary of Hon. George Clark, Secretary of the Province of New York, 1718-1730* (Albany, 1872), pp. 134-135, 136-137.

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In Maryland and New York, for example, complaint was made that these amounts were excessive, and in both cases remedy was supplied. In the former, laws were passed limiting the public charges to those set by the assembly in each case, and in 1734 a general law was put into operation for six years to eliminate the whole expense and trouble of private bills.[30] In New York the governor overruled the secretary and directed that a 20*s.* fee should be exacted only for each act and not for each person named therein.[31] Since the average number of aliens included in each act was about twenty-five—one act contained as many as one hundred fifty names—the burden of this was small. Only in Rhode Island were the costs of private act legislation heavy, the fee for each petition amounting at times to as much as seven pounds.[32]

There were conclusive signs that on occasion even poor persons—of whom there were many among the foreign immigrants—could obtain naturalization. In New York at least two ordinary laborers and doubtless others obtained the benefits of the general law of 1715, under which the essential fees totaled only 9*s.*[33] In the same province directions were given in connection with a private act passed in 1759 that in cases where persons named therein were "really unable to pay the fee" (19/6), the official was "to forgive the whole or part as you think proper."[34] In South Carolina foreign immigrants naturalized on their arrival in Charleston were clearly charged no fees at all, many of them being without funds.[35] Under Maryland prac-

30 For the laws with respect to charges, see *Archives of Maryland,* XIX, 212, and XXVI, 357.

31 See note 29.

32 See *Acts and Resolves of Rhode Island,* I, 18; II, 154; III, 9. In this connection it should be noted that Rhode Island currency was highly inflated.

33 "Persons Naturalized under Act of July 5, 1715", *New York Historical Society Quarterly Bulletin,* vol. 3, No. 2, July 1919, pp. 35-40.

34 Manuscripts and History Section, New York State Library, Albany, Letter, Goldsborow Banyar to Abraham Yates, Jun. . . . July 16, 1759, *New York Colonial Mss.,* vol. 87 (1759), p. 98.

35 For an instance, see South Carolina Historical Commission, Columbia, The John Tobler Manuscripts, "An Account of Swiss Immigrants in Carolina in 1737, edited by Charles G. Cordle (Augusta, 1942), pp. 8, 12—a typewritten ms. of a translation from the German. See also South Carolina Historical Commission, Columbia,

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tice the charge for a private bill, as fixed by the House of Delegates, varied from person to person obviously according to means. While one planter was charged £2.5*s*., another planter and a laborer were each assessed only 15*s*.[36]

Indications were that in over one half of the colonies those who were qualified could for the most part obtain naturalization. No problem at all in this regard existed, of course, where general laws or their equivalent set up conditions under which the alien was automatically granted rights on application, as in South Carolina, or without application, as in Georgia. In the former, officials even sought out immigrants on their arrival and naturalized them en masse in large numbers. Although an automatic procedure was employed in the early years in New York, Pennsylvania and Carolina, it was not encouraged by British policy or purpose. In fact, in the case of New York the authorities in London implied in 1718 that no further legislation of the sort would be approved, and resort was then had to private act legislation.[37]

However, even in several colonies where naturalization remained within the discretion of officials or the assembly, few petitions for it were rejected. Under the Virginia general law, by which the governor had power to grant rights, no record of any refusal now remains. During the years of private act legislation in Rhode Island, New York, New Jersey and Maryland the final rejection of only a few petitions has been found, although on occasions there was some delay in obtaining action. In commenting on the case of one rejection in New York, an official in London wrote in 1761 that "such naturalization has seldom or ever been refused to any persons upon a proper application. . . ." [38]

Council Journals, 1734-1735, Photostats, C. O. 5-437-4, 6 and 9, entries dated July 17 and 29 (2), and August 7, 1735.

[36] *Archives of Maryland*, XXVII, 186-187, 460, 481, and XXXVIII, 159, 165.

[37] See *Documents relative to the Colonial History of the State of New York . . .* (Albany, 1856-1861), V, 496-497, Attorney General Northey to the Lords of Trade, January 2, 1718. In commenting on the general law of 1715, the Attorney General declared that "in naturalization the particular circumstances of the persons naturalized should be considered." In July 1718 New York began to naturalize by private act only.

[38] *Ibid.*, VII, 463, Secretary Pownall to President Colden, April 14, 1761.

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The naturalization of persons of small means and at times of no means at all, and the facility with which such action could be procured, were all quite contrary to the system prevalent in England. A liberal practice, to be sure, was in operation during the brief tenure of the general law of 1709, and for considerable periods of time in behalf of a limited group of foreign craftsmen and seamen. Otherwise, however, a private act procedure prevailed, and, except in the case of the Huguenots, was stringently employed. Under this system the cost of obtaining legislation from parliament could ordinarily be borne only by the wealthy. The various charges involved were estimated to total from £20 to £60.[39] Furthermore, the mechanics of the procedure supplied additional obstacles. The " merits and circumstances " of each petitioner were examined by committees of both houses of parliament. The houses were naturally involved in the public business of a great realm and empire, and inevitably, through lack of time as well as intention, bills failed of passage.[40]

To the extent that the colonies naturalized persons of a character different from those admitted in England, and did so freely, they were communities distinct from the mother country. The tendency in America, as contrasted with England, was to admit any foreigner to rights in the community. Under colonial procedure—and also under the British procedure which applied only in the New World—the religious and financial status of the alien and his " merits and circumstances " were of less importance. Indeed, on occasions they were completely disregarded. And they would have been more often disregarded, had not the imperial ties at times compelled their consideration. The type of person admitted to a community is a mark of its basic purpose, for only from the point of view of that purpose could judgment be made with respect to admission. Here were signs, then, that a different purpose was afoot and thus a new community in being.

[39] See *The Grand Concern of England Explained* (London, 1673), p. 14; also Cobbett's *Parliamentary History of England* . . . (edition of 1803), vol. 14, p. 147.

[40] See *The Publications of the Huguenot Society of London*, XVIII (1911) and XXVII (1923), " Letters of Denization and Acts of Naturalization for Aliens in England and Ireland, 1603-1700 and 1701-1800 ". See also note 28 *supra*.

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The naturalization laws and practices had as their object not only the incorporation of aliens already resident, but also the stimulation of additional foreign immigration. The preamble to the Virginia acts of 1680 and 1705 made this evident when they declared that " all possible encouragement should be given to persons of different nations to transport themselves hither with their families and stocks, to settle, plant or reside, by investing them with all the rights and privileges of his majesty's natural free born subjects within the said colony." The Massachusetts act of 1731 proclaimed its objective that " well-disposed Protestants of foreign nations may have due encouragement to settle themselves within this province." And the South Carolina act of 1704, noting the presence of foreigners in the province, announced that the law was passed " for the reward and further encouragement of such aliens, as well as to encourage more such industrious men to settle among us. . . ."

A similar purpose operated in New York, where, as in other colonies, naturalization was employed as a means of competing for foreign immigration. Cadwallader Colden, writing in 1761, declared that " should we in this province refuse such acts of naturalization, which can be easily obtained in the neighboring colonies, it would draw all foreigners, who are willing to settle and improve lands, from this colony to the others." [41] Indeed, in any of the colonies, legislation to remove the disabilities of alienage, particularly those with respect to landholding, could but be favorable to foreign immigration, and in most of them such was its purpose.

Through their encouragement of foreign immigration the naturalization laws embodied and exhibited certain basic objectives of the colonial communities, to wit, the speedy settlement and development of the New World. These objectives were the unquestioned assumptions which were cited in justification of the laws. The South Carolina law of 1696 had its warrant in the fact that alien settlers " by their industry, diligence and trade have very much enriched and advanced this colony and settlement thereof." In Virginia the preamble to the statute of 1671 saw in its provisions " the advancement "

[41] *Documents relative to the Colonial History of the State of New York . . .*, VII, 469, Lt. Gov. Colden to the Lords of Trade, September 25, 1761.

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and "prosperity" as well as the peopling of "a new plantation"; and the law of 1738 clearly looked to the development of "unseated and uncultivated" lands on the frontier. The Maryland general law of 1692 saw its justification in "the speedy settling" of the province, while a Pennsylvania act of 1730 found its reason in the fact that German settlers had "contributed very much to the enlargement of the British Empire. . . ." And a New York bill, passed in 1713 by the assembly and the council, gave itself sanction by averring that foreign Protestants had "greatly improved and enriched" the colony.[42]

The purpose and justification of colonial legislation and procedure were in sharp contrast with those of England. There a restrictive policy was maintained for the specific purpose of preventing foreign immigration. In fact, this policy was pursued in spite of persistent agitation for its modification in the interest of stimulating the settlement of foreigners. This agitation began in the latter half of the seventeenth century and continued throughout the eighteenth, finding expression in numerous pamphlets and in parliamentary bills and debates. However, the systematic encouragement of foreign immigration to Great Britain through a liberal naturalization procedure was rejected.

This rejection defined and disclosed certain basic objectives of the English community, to wit, the maintenance of its peculiar institutions in church and state and the preservation of the purity of the English race. These objectives were the uncriticized assumptions which were employed in the attacks on proposals for liberalization. In the debates on the general naturalization of 1709, for example, it was argued, in opposition, that an influx of foreign Protestants might effect the overthrow of the Church of England. In addition, it was feared that naturalized foreigners, possessed of the right to vote and hold office, "in process of time might endanger our ancient polity and government, and by frequent intermarriages go a great way to blot out and extinguish the English race."[43] Or again, at the time of the proposed naturalization of foreign Protestants in 1748,

[42] Manuscripts and History Section, N.Y.S.L., Albany, *Original Laws, 1711-1716*, vol. 4, p. 168.

[43] Cobbett, *op. cit.*, vol. 6, p. 780.

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it was contended that such a procedure could not convey to the alien "a true knowledge of our happy constitution in church and state." [44] And finally, the debates in 1753 on the bill allowing the naturalization of Jews exhibited the argument that the admission of these foreigners to rights would entail the destruction of the Christian religion and the overthrow of the governmental structure.[45]

Clearly, the colonies had objectives that differed from those of England. In a majority of them neither the maintenance of an established church nor the protection of their polity and constitution was the center from which they took action. Indeed, in some cases there was even marked indifference to the Christian religion. And in none of them was the purity of the English race a matter of concern. On the contrary, the colonies for the most part sought, within broad limits, the speedy population and advancement of their settlements.

In these objectives lay the basic sign of a new community. They comprised the distinct destiny which made possible the occurrence of the other steps in naturalization: the assumption and exercise of the power, the creation of the local subject, and the admission of persons different in character from those favored in England. Here was the unity which underlay them and which they brought to action and thus to actuality. Here was the fundamental divergence of the colonies from England.

There emerged from the naturalization practices, as a necessary concomitant of the new objectives, a new view of persons. In England not every person could become a subject, since not every person could strengthen its religion or its polity. Not every alien could learn their meaning or could or would contribute to their maintenance. In general, the Englishman was begotten not made, while the colonial was made as well as begotten. In the colonies the tendency was that any person could in principle be made a subject, since any person could contribute to their speedy settlement and exploitation, to their advancement and prosperity. And in some cases any person could join in governing the community, which was the final indication of acceptability. The new destiny thus meant that the individual as such was of value and had a rôle in the world.

[44] *Ibid.*, vol. 14, pp. 134-135. [45] *Ibid.*, pp. 1379-1381.

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That naturalization under colonial law tended to create communities separate from the mother country was further made plain by the policy of the British government on the eve of the American Revolution. Prior to 1760 the authorities in London had allowed and even encouraged the colonies to naturalize. After that year, however, the propriety of such action was questioned and finally the right to it doubted. An opinion of the legal advisers of the crown, rendered in 1773, expressed doubt that the colonies had the authority to legislate on the matter and implied clearly that naturalization was a sovereign power beyond their scope.[46] Later that same year instructions were issued to the royal governors forbidding them to approve any acts of naturalization passed by the assemblies.[47] This action fitted in with the broad purpose of the British government, which was to secure the dependency of the colonies. It was also in keeping with its intention to do this in part by limiting their settlement to the area east of the Alleghenies. The restriction of local naturalization could but hinder foreign immigration and thus relieve the pressure for expansion.

On the other hand, during the preliminaries to the Revolution an increased interest in naturalization was exhibited in the colonies. In some cases legislative action was intensified in the 1760's and early 1770's. Connecticut, which had previously never taken action, passed two acts in 1773. Pennsylvania and Maryland, which had abandoned the practice after the enactment of the parliamentary law in 1740 or shortly thereafter, as we have seen, began to naturalize again in the 1760's, and continued to do so albeit on a small scale. The New York assembly increased its pace of enactment, passing private acts every year, except one, from 1761 to 1773. After the latter date that body gave evidence of the persistence of its interest by passing and repassing private bills in spite of the governor's refusal of his assent.[48]

[46] *Minutes of the Provincial Council of Pennsylvania* (Philadelphia, 1852-1860) [Binder's Title: *Colonial Records*], X, 103-104, "Report of Attorney and Solicitor General at a meeting of the Privy Council, May 19, 1773".

[47] Leonard Woods Labaree (ed.), *Royal Instructions to British Colonial Governors 1670-1776* (New York, 1935), No. 239.

[48] See *Journals of the Votes and Proceedings of the General Assembly of the Colony of New York*, III (1774), 53, 77, 78, 87; III (1775), 50 83, 85, 99.

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The implications of naturalization had a direct part in bringing about the Revolution. Evidence of this is found in the Declaration of Independence itself. Among the grievances which that document listed against George III was his order of 1773. It was charged that " He has endeavoured to prevent the population of these states; for that purpose obstructing the laws for the naturalization of foreigners. . . ." In other words, a threat to the continued settlement and development of the colonies justified independence. These were the very objectives to which naturalization by and large had committed the colonial communities. And in these aims the English community had no interest.

In a broad sense, the colonies sought a direct contact with nature, accompanied by a minimum intervention of institutions. Thus the ultimate purpose was success in the exploitation of the continent. The radical reduction—and at times the elimination—of the religious qualifications announced that the maintenance of the traditional faith was becoming irrelevant to the objectives of the community. The very employment of naturalization—the granting of rights—to further foreign immigration, was indicative that the political structure was a means and was held subservient to a direct and successful engagement with nature. The colonies approached the Baconian ideal of " the control over nature in action." All could seek this ideal, since nature is no respecter of persons.

The great principles of the American Revolution had their origins in colonial experience as well as in thought. Naturalization was a phase of that experience. A community which tended to hold the individual of value as such had in the end no choice but to proclaim that " all men are created equal "; and a community which had, as its supreme objective, success in the exploitation of nature had no alternative to invoking as the ultimate authority " the Laws of Nature and of Nature's God."

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THE COST OF WARS

THE probability of a new world war is foremost in the minds of everybody. It seems timely, therefore, to review the experiences gathered from the last two wars and to endeavor to arrive at some conclusions about the economic implications of a new world war. War economics is certainly a distressing subject. To shun the problems involved, however, will hardly contribute to their solutions. A study may bring about the elucidation of some misconceptions, and could elicit analyses and interpretations useful for effective action.

The discussion in the present paper will be limited to: (a) the costs of the last two wars, (b) the means by which these costs were defrayed, (c) the probable cost of a new world war, (d) the probable burden of the war costs on future generations. An attempt also will be made to establish a method for measuring on a uniform basis the costs of wars, their relation to the national debt, to the national income, and to federal receipts and expenditures. Such an attempt appears indispensable to appraise equitably economic developments. Mere comparative and historic study based on the dollar or other currencies cannot lead to reliable conclusions because the dollar and other currencies have not been stable measuring devices throughout the years.

Two and a half years after the outbreak of World War I the United States became involved in it; but during these two and a half years practically no war preparations had been made by the United States. Total expenditures for World War I, as stated by the Treasury, amounted to 32.8 billion dollars including about 10 billion dollars advanced to the Allies.

The expenditures for World War I were defrayed by taxes, by borrowing, and by "creating" money. Each one of these three methods paid for about one third of the total cost of war. Payment of reparations by the enemy as a hoped-for fourth medium to cover war expenses was unsuccessful.

Five war bond campaigns, four Liberty loans and a final Victory loan, totaled over 21.4 billion dollars. About half of these loans originated in actual savings. The other half was procured

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by exchanging government notes and bonds for bank credits. The bank credits created in the commercial banks were then used to pay the suppliers of the armed forces. The Treasury simply drew checks against created deposits. These considerable deposits remained in circulation since no provision was made, and none could be made, to withdraw the loans and bonds.

The following official statistics reveal the increase of the money supply between 1914 and 1920:

	1914	1920
	(in billions of dollars)	
Demand deposits	10.1	19.6
Currency outside banks	1.5	4.1
Total money supply	11.6	23.7

The bulk of the increase of the money supply can be ascribed to " money creation ". Actual, tangible purchasing power was nominally doubled within five years but consumer goods were not available in pre-war quantities. As a result the prices advanced so that the wholesale price index rose from 100 in 1913 to 246.7 in May 1920.

Government expenditures rose from the modest figure of 735 millions in 1914 to 18,515 millions in 1919 and our public debt rose from 1,188 millions in 1914 to 25,482 in 1919. The United States emerged from World War I with a devalued dollar, a manifold increase of the national debt, and with obligations toward veterans and bondholders amounting to more than the total federal budget of 1914. Most of the Allies refused to pay their war debts, and reparations could not be enforced upon the vanquished. The disparity between the national debt and the national income in the period 1918-1932 was, however, at no time alarming. The debt amounted to about one third of the yearly income at the beginning of the twenties. It rose to about half of the national income in 1932. Not until the beginning of 1941 did the debt start increasing at a pace considerably more accelerated than the national income.

When World War II broke out the United States was in the midst of a mild depression. The unemployed amounted to only 1.5 million in 1929; 12 million in 1933; and in 1939, on the eve of World War II, 10 million.

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The index of consumer prices of the Bureau of Labor Statistics dropped from about 120 in 1929 to about 100 in 1939. This constituted some improvement for a part of the population, which was working and drawing about the same income during both periods. How many benefited cannot be ascertained. It remains beyond doubt, however, that the declining consumer goods index was due to the drastically diminished purchasing power of the population, a considerable part of which was deprived of the opportunity to earn.

At the outbreak of World War II, in September 1939, the United States was in the ninth year of federal deficit, amounting to from 1.5 to 5.2 billions per annum. The total deficit between 1931 and 1940 accumulated to a figure of about 30 billion dollars—this prior to our declared participation in the war. As a consequence of the recurring deficits, the national debt rose to 35 billion nominal dollars in 1940.[1]

Our participation in World War II started in December 1941 about two years after war had begun in Europe. The yearly federal expenditures soared from 9.2 billions of nominal dollars in 1940 to 12.8 in 1941, to 32.5 in 1942, to 78.1 in 1943, to 93.7 in 1944, to 100.4 in 1945, to 65 in 1946.

During the same period federal income, mostly from taxes, rose from 5.4 billions of nominal dollars in 1940 to 7.6 billions of nominal dollars in 1941, to 12.8 in 1942, to 22.3 in 1943, to 44.1 in 1944, to 46.4 in 1945, to 43 in 1946.

Considering the year 1942 as a war year for the United States (the attack on Pearl Harbor took place on December 7, 1941 and by December 12, 1941 we were at war with Germany and Italy), we arrive at a total deficit for the period 1942-1946 of 201 billion dollars.

We consider these 201 billions as entirely the result of our participation in the war. Furthermore all government levies beyond the normal federal income should also be considered extraordinary war levies.

Assuming that the year 1941 was a normal year as far as federal receipts are concerned, whatever was cashed above the 1941

[1] Under "nominal dollar" we understand the dollar to be the current value at the moment of its use. A later elaboration will be made in this paper of the distinction between the "full" and the "nominal" dollar.

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level would reflect levies for war expenditures. As the receipts for 1941 amounted to about 7.6 billions, the 1942-1946 receipts on this level would have amounted to 38 billions. The actual levies, however, were 169 billion. The difference, or 131 billion, can be considered as extraordinary levies, caused by the war effort.

Adding to the above-mentioned 201 billions the 131 billions of extraordinary receipts, we arrive at a figure of 332 billions, which is identical with the official estimate of World War II cost.

How were these expenditures defrayed? Reparations were out of the question, for the countries of the defeated enemies had to be rebuilt and their populations fed. Our occupation troops could not live off the land. Extraordinary funds had to be procured for this purpose and they are contained in our post-war budgets.

Let us take for granted that about 131 billions were defrayed out of taxes. The rest of the World War II expense, therefore, was covered by borrowing and by money "creation". Formally the total was borrowed. However, when it was borrowed from the banks which opened credit to the government for the payment of suppliers' bills, it was not then actually borrowed; it was merely defrayed by "created money".

We can assume that the large percentage of government bonds held by the commercial banks reflects the payment of the war expenditures by means of created funds. The total amount of government obligations in the hands of all banks, including Federal Reserve banks, savings banks, and so on, as of November 25, 1950 amounted to 72.7 billions. It was as high as 101.3 billions at the end of December 1945.[2]

Most of the banks at various periods have bought government obligations on their own initiative. Furthermore, they had in their portfolios about 19.4 billion dollars at the end of June 1939.[3] If we assume that about 20 billion is the normal pre-war voluntary holding of government bonds and notes by the banking system, and as 101.3 billion was the maximum amount they held, we may reach the conclusion that about 81 billion

[2] *Federal Reserve Bulletin*, January 1951, p. 54. [3] *Ibid.*

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dollars of government expenses were defrayed by created money. The rest was covered by genuine savings, bonds subscribed by private citizens, institutions, corporations, insurance companies, and so on.

The increase in money supply is reflected in the following figures:

	1939	1950
	(Nominal dollars in millions)	
Demand deposits	29,793	93,200
Currency outside banks	6,401	25,000 [4]

How does our World War II cost compare with the war costs of other countries?

According to a declaration of Molotov mentioned in the *New York Times* of March 18, 1947, the U.S.S.R. spent 357 billions of nominal dollars and estimated the damages and devastations at 128 billions, or a total of 485 billions. The expenses of the United Kingdom are estimated at 120 billions nominal, of France at 192 billions, and of Germany at 272 billion nominal dollars. The last three figures do not contain the estimated value of damages caused by belligerent actions.

It might be mentioned that the losses in dead and wounded were estimated as follows: [5]

	Killed	Wounded	Missing and Prisoners
World War I			
United States	126,000	234,300	4,500
Russia	1,700,000	4,950,000	2,500,000
France	1,357,000	4,266,000	537,000
Germany	1,773,700	4,216,000	1,152,800
Austria-Hungary	1,200,000	3,620,000	2,200,000
British Commonwealth	908,371	2,090,000	191,650
World War II			
United States	225,155	571,822	151,597
Russia	6,115,000	14,012,000	3,290,000
France	250,000	400,000	1,500,000
Germany	3,250,000	7,250,000	12,900,000
Austria	350,000	.....	.....
British Commonwealth	353,652	475,000	417,303

[4] *Federal Reserve Bulletin*, April 1951, p. 410.

[5] *World Almanac*, 1950, and *Information Please Almanac*, 1949 and 1951.

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It seems futile to try to estimate the value of human life—though we understand it has been tried. However, it would not be futile to evaluate the losses in national income due to the prolonged absence from productive work of millions of men engaged in unproductive and destructive war work. The billions of hours devoted to the preparedness for killing and the actual fighting, if turned into homes, schools, hospitals, bridges, roads and factories, would have surely advanced humanity toward great achievements in all cultural and humanitarian fields.

To the loss in national income should also be added the loss in national wealth. Raw materials have been converted into implements of war instead of being used for durable goods. Natural resources have been drained. It took many centuries for Nature to create them. Most of them are not replaceable and future generations are forever deprived of them.

The opinion has often been voiced that the future generations have to pay for past wars. The arguments used to support this belief circle around the fact that future generations will have to continue paying interest on the government debts and may have to repay these debts. The debts are internal debts, held by our own citizens and institutions. It is true that future generations may have to pay interest on the government bonds, which embody the debt. These bonds, however, will be inherited by the future generations. The future generation or generations will inherit both the bonds and the obligation to pay interest on them. They will be in no worse position than the present generation on this score.

Should the government decide to repay the debt, the future generation, inheriting the bonds, will receive banknotes, promissory notes or other bonds issued to replace the old ones, as the case may be.

It cannot be emphasized strongly enough that the generation which is fighting a war is deprived of the major part of the commodities it produces as they are not destined for conventional consumption. This generation produces the implements with which the war is fought. It is heavily taxed. Many members of a war-fighting generation have to sacrifice the best years of their lives for the safety of their country. Many come back unable to work and many do not come back at all!

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Some obligations, however, resulting from the war, will continue to be incurred by the future generations. We have in mind the pensions and compensations to invalids and to the families of those killed in action, the upkeep of the medical facilities for invalids, the cost of government-sponsored insurances, and so on. Taxes to be paid by the present and the future generations will have to be high enough to cover these obligations. Though very high, the mentioned expenditures are not infinite. If no new obligations of the same kind result from a new war these expenditures would gradually vanish within twenty to thirty years.

An important medium for the defraying of the war debt should be mentioned here—namely, the self-effacing character of the debt.

A debt should be analyzed in the light of the economic conditions prevailing when it is incurred and under which it is to be paid back.

A change in the monetary system, in the total money supply of a country, in relationship between income and debt, will exert some influence on the creditor-debtor relationship.

An example will best illustrate the point. Let us consider the financial position of a man who was earning $3,000 a year in 1925 and who had a mortgage on his house amounting to $9,000.

Assuming he paid only the interest and did not refund a portion of the debt at regular intervals—his debt would still be $9,000 in 1955. If, due to force of circumstances, his income in 1955 amounts to $9,000—his debt will amount to his yearly income, while when incurred this debt amounted to three years' earnings.

This example is certainly not far-fetched. According to official statistics the average hourly earnings of production workers rose from $0.52 in 1923 to $1.327 in 1948, to $1.563 in February 1951. The average weekly earnings rose from $21.51 in 1922 to $33.40 in 1942 and $62.00 in October 1950.

In certain skills and professions the actual increase of income shows a considerably larger spread within a decade or two than the one shown by the official statistics of average earnings.

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In examining the broad issues of our economic life we are certainly not comparing equal values by using as a measuring yard our currency at its nominal or face value at *various* periods. It appears imperative to depart from the " nominal dollar " as a measuring yard of economic events in their historic increments. We suggest as expedient the electing of a " full dollar ", basing this " full " dollar on the actual, intrinsic purchasing value of the currency.

For the purpose of the present discussion we have based our " full " dollar on the intrinsic purchasing value of food in the first pre-war year 1913. Considering the food index for 1913 as the comparative basis and setting it at 100 per cent, we have figured all the fluctuations in relation to 1913.

The national income, national debt, the federal receipts, and the federal expenditures have been converted into " full " dollars. (See Tables 1 and 2.)

From Table 2 will be deduced that the quantity of food bought for one " full " dollar in 1913 cost 1.66 nominal dollars in 1925, 1.58 in 1930, 1.25 in 1935, 1.21 in 1940, 1.74 in 1945, and 2.63 in 1950. As imperfect and vulnerable as the consumers' price indexes of the National Industrial Conference Board and the Bureau of Labor Statistics may be, they are, in the author's opinion, the only tangible basis for the ascertaining of the " full " dollar at a definite period. Any constructive suggestion, enabling us to establish a sounder basis for the appraisal of economic events in their historic development will be most welcome! (We are aware of the fact that food does not constitute as large a percentage of national output today as in the past.)

The first observation to be noted when examining the table in " full " dollars is the rather moderate pace in the fluctuation of the figures. The actual " full " dollar increase of the national income since 1913 is exactly threefold—which certainly gives proof of the enormous potentiality and vitality of our economic organism (31.45 billions in 1913—95 billions in 1950). In " nominal " dollars the increase is eightfold—which is not only unrealistic but wholly deceptive. (We are aware of the possibilities of employing physical volume indices.)

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TABLE 1

IN BILLIONS OF "NOMINAL" DOLLARS

	National Income	National Debt (Fed.)	Federal Receipts	Federal Expenditures
1913	31.45	1.[a]	.7[c]	.72
1914	31.21	1.	.7	.73
1915	32.53	1.	.7	.76
1916	38.74	1.2	.8	.73
1917	46.33	7.3	1.1	2.
1918	56.95	20.9	3.7	12.7
1919	62.94	25.5	5.1	18.5
1920	68.43	23.5	6.7	6.4
1921	56.69	22.9	5.6	5.
1922	57.17	22.4	4.1	3.3
1923	65.66	21.4	4.	3.2
1924	67.	20.4	4.	3.
1925	70.05	19.5	3.78	3.
1926	73.52	18.2	3.96	3.
1927	73.96	17.1	4.13	2.9
1928	75.9	16.3	4.04	3.1
1929	87.4[b]	15.1	4.03	3.3
1930	75.	14.8	4.18	3.4
1931	58.9	16.5	3.19	4.1
1932	41.7	18.2	2.	4.9
1933	39.6	20.5	2.08	4.3
1934	48.6	23.	3.11	6.4
1935	56.8	26.	3.8	7.6
1936	64.7	29.5	4.11	9.
1937	73.6	31.4	5.03	8.2
1938	67.4	32.7	5.85	7.3
1939	72.5	34.9	5.16	8.7
1940	81.3	36.9	5.39	9.1
1941	103.8	47.8	7.61	12.7
1942	137.1	93.6	12.8	32.5
1943	169.7	170.[d]	22.28	78.1
1944	183.8	232.	44.15	93.7
1945	182.7	279.	46.46	100.4
1946	180.3[e]	260.	43.04	65.
1947	198.7	257.	40.02	37.3
1948	223.5	257.	42.2[d]	36.8
1949	216.7	257.	38.2	37.05
1950	239.	257.	37.05	43.3
1951 (2nd quarter)	274.	259.6	48.1	44.6
1953 Forecast	535	431	238	397
1954 "	712	656	281	469
1955 "	800	900	360	540
1956 "	935	1,147	446	638
1957 "	1,080	1,417	540	765

[a] Table 371, *Statistical Abstract,* United States.

[b] *Survey of Current Business.*

[c] Supplement to the *Survey of Current Business,* National Income, 1951, p. 205.

[d] November 1950 *Federal Reserve Bulletin.* Figures as of December for debt.

[e] *Ibid.,* December 1951.

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TABLE 2

IN BILLIONS OF "FULL" DOLLARS *

	National Income	National Debt	Federal Receipts	Federal Expenditures	Food Index [a]	Comparative Basis
	In full dollars					
1913 actual dollars = "full" dollars	31.45	1.	.7	.72	79.9 =	100%
1914 in "full" dollars	30.5	.98	.68	.73	81.8	102.33
1915	32.02	.98	.68	.76	80.9	102.58
1916	34.1	1.05	.705	.65	90.8	113.59
1917	31.71	4.99	.75	1.4	116.9	146.24
1918	33.87	12.43	2.2	7.55	134.4	168.13
1919	33.58	13.6	2.7	9.89	149.8	187.4
1920	32.4	11.13	3.2	3.	168.8	211.17
1921	35.32	14.27	3.5	3.1	128.3	160.5
1922	38.12	14.93	2.7	2.2	119.9	149.99
1923	42.33	13.79	2.58	2.1	124.	155.12
1924	43.61	13.28	2.6	1.96	122.8	153.62
1925	42.13	11.73	2.27	1.8	132.9	166.26
1926	42.77	10.59	2.30	1.7	137.4	171.89
1927	44.69	10.33	2.49	1.7	132.3	165.51
1928	46.39	9.96	2.47	1.9	130.8	163.63
1929	52.73	9.1	2.43	2.	132.5	165.76
1930	47.58	9.39	2.65	2.2	126.	157.63
1931	45.31	12.69	2.45	3.2	103.9	129.98
1932	38.54	16.82	1.84	4.5	86.5	108.21
1933	37.64	19.48	1.98	4.	84.1	105.21
1934	41.46	19.62	2.65	5.5	93.7	117.22
1935	45.22	20.7	3.03	6.	100.4	125.60
1936	51.05	23.28	3.24	7.1	101.3	126.73
1937	55.87	23.84	3.84	6.2	105.3	131.73
1938	55.09	26.73	4.78	6.	97.8	122.35
1939	60.88	29.3	4.33	7.3	95.2	119.09
1940	67.27	30.5	4.46	7.5	96.6	120.85
1941	78.65	36.22	5.77	9.6	105.5	131.98
1942	88.45	60.39	4.9	21.	123.9	155.00
1943	98.3	98.5	12.9	45.2	138.	172.64
1944	107.95	136.3	25.93	55.1	136.1	170.26
1945	104.99	160.3	25.69	57.7	139.1	174.01
1946	89.95	130.2	21.56	32.5	159.6	199.66
1947	83.20	106.	16.5	11.5	193.8	242.44
1948	86.02	97.7	16.05	14.	210.2	262.96
1949	87.69	101.7	15.12	14.8	201.9	252.58
1950	90.8	97.7	14.26	16.4	210.	263.
1951 Dec.[b]	88.2	82.7	15.32	14.2	251 [b]	314
1953 Forecast	155	125	69	115	275	345
1954 "	190	175	75	125	300	375
1955 "	200	225	90	135	320	400
1956 "	220	270	105	150	340	425
1957 "	240	315	120	170	360	450

* Figures from Table 1 computed into "full" dollars on the basis of the Food Index—Basis: 1913 = 100. For example, National Income 1950—239 billion; $\frac{239}{263}$ (comparative basis equals 90.8 billions of "full" dollars).

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TABLE 2 (*Continued*)

[a] Table 323, *Statistical Abstract,* also *Historic Statistics,* United States. Note: dividing the actual nominal dollars by the "comparative basis" we arrive at the "full dollar", estimated at the level of the purchasing value of food in the pre-war year 1913.

The national debt in "full" dollars dropped between 1946 and 1950 from 160.3 to 97.7 billions, or about 39.4 per cent. The national income, leaving out the war years 1941–1946, shows an almost regular upward trend.

[b] The wholesale price index for food (p. 1577, *Federal Reserve Bulletin,* December 1951) shows an increase of 90 per cent over 1929.

The second observation reveals that the national debt, since its peak in 1945, shows a considerable decline in "full" dollars, while it remains at the same level in "nominal" dollars. The "full" dollar decline of the national debt is accompanied by an upward trend of the national income in "full" dollars. As we become wealthier, no doubt the debt is easier to bear. If we had no new war-preparedness expenditures to face, assuming that the above-mentioned trend proved to be secular, we might see the national debt melting away to a negligible burden, and the burden of the debt is easier to bear the smaller it becomes in relation to the national income. Hence, a continuous mild inflation would cause the debt to efface itself providing the rate of increase in the national debt is not greater than that of national income.

The yearly national income in "full" dollars increased 6.3 per cent between 1913 and 1920; 47 per cent between 1920 and 1930; 42 per cent between 1930 and 1940; and 29 per cent between 1940 and 1950. In actual billions of "full" dollars the largest increase was between 1940 and 1950, namely, 27.8 billions.

If the increase of the national income were to continue on the same scale for two decades, the national income in 1970 would reach the figure of 151 billions of "full" dollars. Slight inflationary trends could bring the national debt to about 75 billions of "full" dollars, or about one half of the national income, while at present the national debt is approximately on the level of the national income.

The national debt remained almost unchanged in nominal dollars since 1946. Yet in "full" dollars it actually dropped from 130.2 billions to 97.7 billions, or over 25 per cent. It dropped 39.4 per cent from its 1945 peak level in "full" dollars!

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The national income dropped from its peak of 107.95 billions of "full" dollars in 1944, to 83.8 billions in 1947. The change-over from war economy to peacetime production accounts for this decline. It has since been on a constant upgrade in "full" dollars, 86.02 billions in 1948, 87.79 in 1949, 90.8 in 1950.

While the national income has been increasing, the national debt has been devaluating itself. In "full" dollars the debt amounted to 154 per cent of the national income in 1945 and to only 107 per cent in 1950.

It might be argued that the nominal dollar is reality, while the "full" dollar is a theoretical conception. The nominal dollar certainly is reality at a given period. In the light of historic events, however, the nominal dollar, just like the franc, the mark, the pound, the lire and other currencies, did not provide a stable device for the comparative appreciation of achievements and performances.

The expenditures of governments comprise to a great extent the payment for personal services. They are largely an accumulation of payrolls. Payrolls have to provide for the wide masses of government employees some minimum of existence. If the salary scale remained on a certain nominal level and the cost of the necessities of life rose beyond this level, the government employees would be unable to defray their living expenses. A situation of this kind cannot last for any length of time without some serious reactions, economic and political. The expenses of the government have, therefore, to follow the trend of the cost of food or the cost of living. In other words, they have to reflect sooner or later the equivalent of expenses measured in "full" dollars, as they have to provide a minimum of calories, clothing, shelter and security.

When purchasing goods and services, the government is also paying indirectly for suppliers' payrolls. Whether the payment is for an airplane or a tank, the funds are mostly destined to meet wages of miners, smelters, rollers, pattern makers, transportation workers, and others. The primary interest of these men is the "full" dollar, with which they can buy food, clothing, shelter, according to a given standard of living.

By applying the "full" dollar in any study of major economic trends we are clinging to reality. By applying the cur-

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rent or nominal dollar for comparison of economic events on a historic basis, we are departing from reality.

* * * * * *

The forecast of expenditure for an impending World War III must be based on several assumptions. Our first assumption will be that the war will last about five years. The second assumption will be that in the first year the expenditure will amount to the highest yearly " full " dollar cost of the last war plus about 50 per cent. The 50 per cent estimate over and above the highest yearly cost of the last war is justified in our opinion by the higher degree of mechanization and the higher cost of modern war equipment.

Assuming that in June 1953 the first war year will end, and then during the fiscal year 1952 some additional 50 billions of nominal dollars will be spent, we reach the figure of 200 billions, or, converted on the basis of the comparative index for 1945 (174 per cent), a total of 115 billions of " full " dollars will be spent as of June 1953.

As the war expenditures increase, keeping pace with a gradually expanding output of equipment and the gradually rising size of the armed forces, we venture to assume that the development of expenditures will be as follows:

Billions of " Full " Dollars	War Year	Ending
115	1st	June 1953
125	2nd	1954
135	3rd	1955
150	4th	1956
170	5th	1957 (See Graph)

According to the estimate we would emerge from an impending World War with total expenditures for five years amounting to 2,809 billions of nominal dollars, equal to 695 billions of " full " dollars. We assume that the above amounts contain also the normal cost of operating the federal government. These normal costs are anyhow insignificant compared to the expenditures resulting from the total war preparedness. In an economy geared to total war, it becomes practically impossible to draw a line between expenditures for defense and the other expenditures, due to the interlocking and mutually complementary character of all activities of a country at " total war ".

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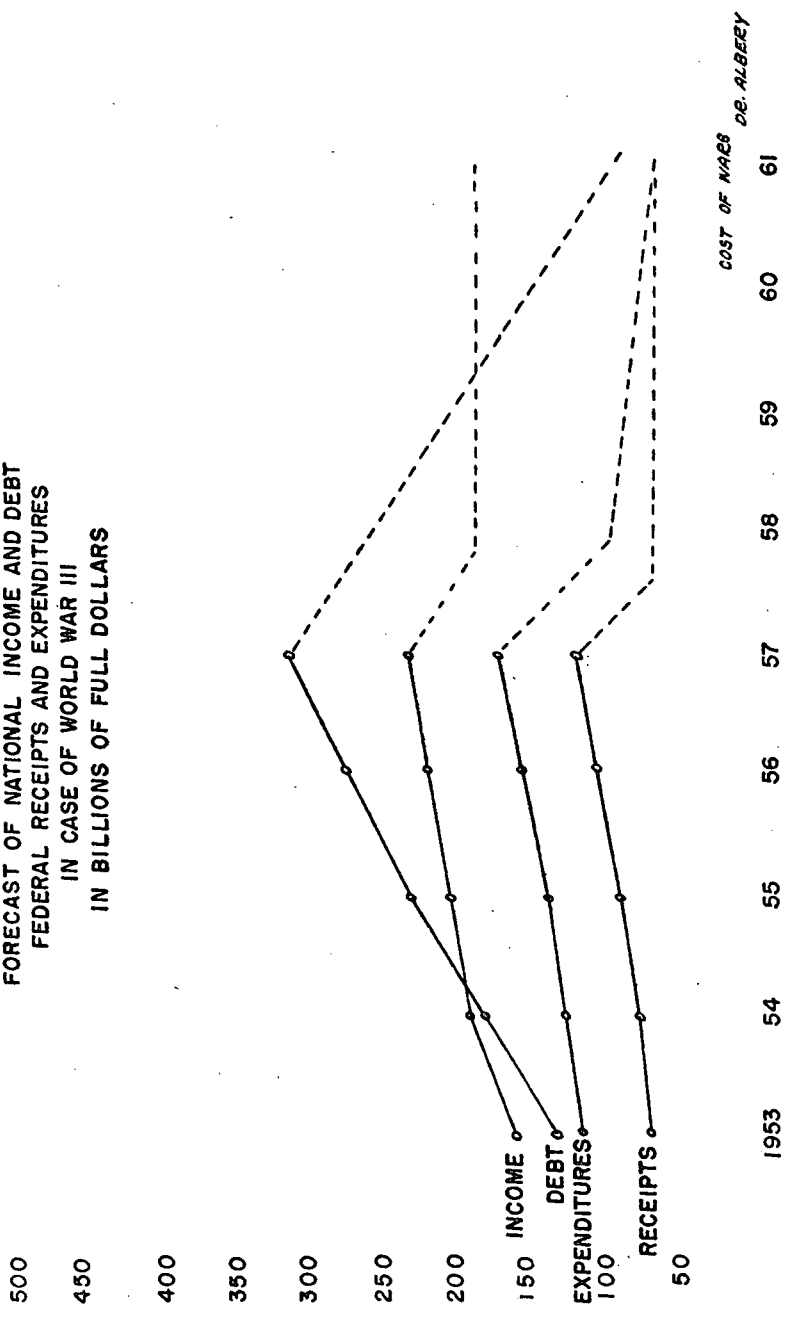

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Having ventured a forecast of expenditures, we must have the audacity to forecast the national income and the implications on the national debt.

Besides producing for the war effort the nation must live. What is the maximum part of the national income which can be diverted or spent for the war effort? In 1945 the federal expenditures were 100 billions and the national income 183 billions of nominal dollars, or about 55 per cent of the total national income was absorbed by the government for fighting the war.

The nation lived in 1945 on about 47 billions of " full " dollars and produced goods and services for another 57 billions of " full " dollars which were destined for the war effort. In the meantime, conditions have changed. From a national income in 1950 of about 90.8 billions of " full " dollars the federal government took only 16 billions. The nation got accustomed to living (consuming, saving, investing) on about 75 billions of " full " dollars.

Can the national income be so planned as to oblige the nation to restrict its comfort and live on the 40 or 60 billions of " full " dollars a year and devote whatever is produced over and above it to the war effort?

Theoretically it is possible. Controls in connection with a complete rationing system, the keeping of incomes at such a level that nothing beyond the available rations can be afforded, might be the solution. It would amount to forcing the nation into a strait-jacket, a rather difficult task in a genuine democracy.

High taxes will siphon away some of the latent purchasing power. Savings, either compulsory or voluntary, will retard the impetuosity of demand.

Savings are claims to future services and commodities produced at some future period. Directed toward government obligations they constitute the public debt. Taxes and savings not being sufficient to cover the war expenditures, the public debt has to be swelled by loans via so-called money creation. This is a *malum necessarium*.

Aware of the changed pattern of life, citizens become conscious of the fact that money ceases to play one of its major

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functions, namely to be the storage of intrinsic values. As the savings in the hands of the citizens lose value, so does the debt. Both phenomena constitute a direct contribution to the emergency situation and cannot be entirely avoided. Whatever measures are taken to master the evil, they are more or less efficient palliatives.

When the emergency situation is over, the debt will start having a steadily decreasing value in relation to the national income and will be self-effacing. It will not constitute the heavy burden so dreadfully feared by some alarmists. Due to the readjustments which will have to take place after the emergency period, no detrimental effect should be expected in connection with the high level of employment and the high standard of living.

If we are to face a new world war possibility in a realistic manner, we are forced to assume, above all else, a drastic change in the economic and social pattern of American life.

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REVIEWS

Philosophy of Democratic Government. By YVES R. SIMON. Chicago, University of Chicago Press, 1951.—ix, 324 pp. $3.50.

These Charles R. Walgreen Foundation Lectures constitute, in my judgment, a masterpiece in political philosophy, due, with good fortune, to become in the course of time a classic. Professor Simon's philosophy may properly be designated neo-Thomism. Its foundations are Aquinas, and beyond him, Aristotle. Its roots are that genuine and humane liberalism which conserves by relevant adaptation. Its ultimate premise is religious belief, held rationally necessary, all grace apart, to the meaning, purpose and dignity in man. As far as I can judge, this particular development and application of classical Catholic doctrine to the modern political order, and the resultant judicious assessment of the nature and defense of the values of democracy, is a proper, as it is a much-needed, one. Its success constitutes a challenge to the naturalistic political philosopher to develop an equally effective theory of man and state for these times, without theistic postulates. Its content is a critical warning to Catholics, lay and clerical alike, who in so many cases misinterpret the political and social implications of their religion in an essentially illiberal, and even inhumane, spirit completely incompatible with Christian teaching. By the same token it is, quite without controversy or direct intent, a challenge to that large number of non-Catholics who facilely identify Catholicism with political and social reaction.

Professor Simon in his first lecture, entitled "General Theory of Government", examines the fundamental issues of the nature and necessity of authority, and its relationship to freedom, or what he calls autonomy. He notes that one major type of authority, which some critics have confused with its very essence, is paternal authority, authority which protects and trains those hitherto not fully developed. Such authority, he agrees, can and ought to wither away when its objects reach maturity. He insists, however, that there is an essential and creative function for authority, which renders it indispensable, a needful condition at once for the common good and for the full development of persons. In particular, authority is needful because, though ideally the self may identify with others, in actual life it is necessary, both for the persons and for society, that individuals maintain particular interests and loyalties, even as against a rational total

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good. That need is, I note, the essential tragedy of the human lot; as its denial is the root error of all totalitarianism.

Next, Professor Simon proceeds to analyze the nature of democratic freedom. Here he develops further the implications of the first lecture; demonstrates that liberty and authority are indeed in conflict where authority is paternal or substitutional; and again insists that, while such authority is necessary until individual or social adulthood is attained, it is mere abuse and injustice thereafter. Elsewhere liberty and authority supplement and complement each other. But it is the rôle of just authority to take direct action only in so far as it is necessary. Beyond that, its rôle is properly an enabling one: the presumption is always in favor of management by individuals or smaller units for the very sake of personal creativity and institutional vitality.

Professor Simon's plea is for maximum personal and group activity and responsibility wherever there is real capacity. He is not arguing that that government is best which governs least; far less, as the first lecture makes clear, that the ideal is anarchy, the absence of government. Rather, his statement is that, while there are always some necessary central functions, and a political society is not a mere confederacy, the essences of a well-governed society are federalism, regionalism, functionalism, and pluralism, the common principle of which he here enunciates.

The third chapter, entitled "Sovereignty in Democracy", is concerned with the ultimate source of authority in society, the delegation of authority, and the exercise of control over that delegation. Professor Simon insists that political obligation is real. It is based on the nature of community life. It is not merely a matter of what is useful to the individual, or of his possession of force. He maintains, further, that ultimate political authority on earth rests in the collective community. In a democracy this community may exercise that authority directly, or it may transmit it to others, with a regular system for holding them accountable. In other types of régimes, the community's power of holding rulers accountable is capable of being exercised only on the rarest emergency occasions, and extra-constitutionally. One argument, therefore, for democracy is continuity and stability without shocks. But in representative democracy, where power is transmitted, its transmission creates obligations on the part of those who have transmitted it. To treat their representative rulers as mere agents involves delusion and dishonesty. In the representative order, indeed, the collective people retain deliberative, or opinion-expressing, functions. But, again save in emergencies, the organization of opinion in such a way as to threaten and cow, rather than to inform and in-

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fluence, those to whom the authority of government has been given is actually destructive of democracy itself, and inimical to a genuine political order. Simon, in short, defends the doctrine of an ultimate constituent power, but claims that its exercise against those to whom governing power is delegated is warranted only when they abuse that power seriously, or when they fail to make full use of it for the community. This lecture, the most difficult of the five, is nevertheless a sane, balanced and reasoned presentation of the superiorities of representative democracy grounded in genuine obligation; as it is effective protest against an anarchic individualism, and an equally anarchic, as well as tyrannical, mass collectivism. Above all, it is an insistence that, while government, and political society itself, involve and depend on power, the latter cannot be based on, and the former cannot function effectively through, force and profit only.

Rather, Professor Simon stresses, in the lecture which follows, the fundamental equality of men as bearers of personality. He combats the absurd idea that such a doctrine involves a concept of actual equality, or identity, which would leave men robots. He urges the need to make equality of opportunity effective, by economic equalization. But he notes the destructiveness of a merely statist equalization by external removal of distinctions. For its consequence is the privation of liberty through destruction of the institutional particularities which are the very conditions of the cherishing and the flourishing of persons. He effectively distinguishes between the inequalities of location and background which must not only be borne, but even protected, for the very sake of the person, and those other inequalities, political and economic, which involve privilege for others, and force, whether economic or political, exercised over the person in such a way as to deprive him of effective conditions for development. Simon's doctrine is a defense of variety, as it is an espousal of proper aristocracy. But it is a passionately reasoned attack on exploitation; an incisive and precise analysis of the nature of such exploitation today; and an effective plea for its removal.

The final chapter, on democracy and technology, poses an essential problem confronting the Western, and particularly American, civilization. Modern technology, with the mastery it gives over nature, and the rich material basis for the good life it provides, is to that extent pure gain. Yet it can turn man into instrument and reduce him to mechanism. An earlier agrarian life, granted all the narrowness and narrowingness of the village, nevertheless had in it something helpful and healthy. The moral qualities and the aesthetic perception of man in communion with nature, and in intimate relation to smaller units

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of social organization, are not to be abandoned without loss of a depth of insight essential to the person. Under the new conditions of the present-day world, we have to reassert, and properly institutionalize for our own time, Aristotle's ancient insight into the values of combining city and country dwelling. This achievement, as Professor Simon indicates, rests on a knowledge of skill to achieve, relate and harmonize both; and, above all, on a rightful concept of the person and of the political community as criteria for insuring requisite freedom through needful and useful organization.

It is Professor Simon's achievement to have clarified fundamental issues of political philosophy, and to have related the resultant concepts to the contemporary scene in such a way as to clarify also the nature of the issues which confront us today. He effectively directs attention to what are the real problems with which we have to cope, and away from the false issues we so often and ardently argue. A few points apart, this real illumination is persuasive even to one who does not accept his faith, as it remains valid quite apart from belief. The work is, I think, through quietly forceful argument, a ringing because rational defense of, and plea for, democracy as the government most suited to cope with conditions of modern Western society. That government, Simon insists, alone enables men, while utilizing all the knowledge they possess, and exercising all control over nature they have or can get, to pursue the good life, with chances of success greater than ever hitherto vouchsafed them.

THOMAS I. COOK

THE JOHNS HOPKINS UNIVERSITY

Law and Society in the Relations of States. By P. E. CORBETT. New York, Harcourt, Brace & Co., 1951.—xi, 337 pp. $4.75.

Percy E. Corbett, now at the Princeton Center of International Studies, has written an eminently sensible book on the nature of international law. It is refreshing and instructive when a student of the law recognizes the fact that law, though very important, is only one of the firmaments of society. "Essentially," he comments, "it is the lack of social solidarity among even the most highly civilized States that accounts for the weakness of international law" (p. 12). The author's detailed description (constituting the major portion of the book) of the history and present status of international law serves to confirm his thesis. Law (both municipal and international), it can be agreed, is not given life as a consequence of the proliferation of formal categories in the writings of scholars; law is effective only when there is a definite feeling of community behind it.

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To what extent, Corbett asks, does the United Nations implement the ideals of international law and make possible peaceful settlement of disputes? The Charter, he correctly points out, was based on the assumption of Great Power harmony. It is obvious, he continues, that today there are "two mutually defiant groups in the world which no amount of machinery can bind into one society. Why? Because the links of common values and objectives, which are more indispensable than any machinery, are wanting" (p. 50). The focal problem of international security involves peace among the Great Powers; the U.N. is not capable of operating against a Great Power; therefore, the U.N. must be transcended.

The author does not wish to scrap the U.N., however; he rather urges the re-orientation of that institution around the focus of human rights. He proposes that certain problems (labor conditions, civil liberty, race discrimination, and so on) be selected by the U.N. for examination, with the understanding that all nations will submit to U.N. scrutiny and recommendations. What is necessary, then, is the "supranational administration of specific common interests" (p. 13). He concedes that such a program cannot by itself bring about absolute peace; but it could enhance individual welfare and reduce the frequency of war.

No one could object to the author's proposals; they are beneficent and would undoubtedly resolve some problems. As long as the world is torn by the imperialist strivings of its Great Powers, however, there is little prospect that the developing international agencies will be able to function for the purposes desired by Corbett. Our major problem today is not so much legal as diplomatic. This is also the case in any national community. The ultimate existence of a nation depends not merely on the development of its constitutional law, but largely on the political reconciliation of important social interests. The long history of revolution and civil war bears this out. Indeed, Corbett's proposal (which places undue hope in the possibility of achieving agreements because of the availability of legal machinery) seems strange in view of his belief that the legal order is maintained only when it rests upon a deep community consensus.

If we could secure a relaxation of world tensions through a diplomatic settlement, then international organization could begin to function as Corbett suggests. Whether diplomacy can work, however, in the absence of an international organization which can effectively guarantee security, is itself problematic.

BERNARD E. BROWN

COLLEGE OF THE CITY OF NEW YORK

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Liberal Democracy: Its Merits and Prospects. By J. ROLAND PENNOCK. New York, Rinehart and Company, 1950.—xii, 403 pp. $4.00.

An author has a right to aggrievement at any unusual delay in the reviewing of his work, but in the present instance it appears that this time lag may serve a useful purpose. Mr. Pennock's contribution is certainly timely, but it exhibits not at all the fleeting pertinence characteristic of many political works which can scarcely last out a semester of eighteen weeks. I found most refreshing this rare discussion of contemporary problems of political organization, since the author is neither uninformed about the philosophy of that organization nor reluctant to discuss the philosophical, moral and speculative assumptions and grounds of that politic we acclaim so enthusiastically and uncritically. I was somewhat disheartened, although not entirely surprised, to find that this very merit seems in some quarters to be considered a deficiency of Mr. Pennock's analysis, if not a vice. Thus, one reviewer asserts that politicians, ordinary citizens, and even statesmen will find this discourse so "esoteric" and "forbidding" that they will put it aside unread. Apparently, Mr. Pennock's fatal error lies in the exhibition of a rather wide and critical acquaintance with such "book-writers" as Mill and MacIver, Dewey and Tocqueville; but if this means that the "most intelligent and thoughtful politician" will find little connection between the analysis of this book and his political problems, it is assuredly a most damning comment on the stature of contemporary politicians. Mr. Pennock is properly concerned, I believe, that democracy may not forever survive the philosophical illiteracy of its political practitioners.

This book presents a straightforward effort to employ reason and understanding in the analysis of ideals, values and purposes in what we call democratic political structure. The author must be commended for his venturesome spirit in the face of those "liberals" who consider such efforts esoteric and impractical, an attitude which has, of course, had the consequence of allowing these important evaluations to go by default to the antirationalists, the proponents of "faith". Pennock rightly asserts that the "proponents of 'faith' as a basis for democracy are performing a poor service for their cause in being critical of those who seek to find plausible grounds for such faith"; but no less guilty than the interested purveyors of faith are those who are either disdainful or ignorant of the essential importance of this kind of rational ethical appraisal. Mr. Pennock has provided a text which might give students something to think about instead of the usual compendium of clouded interpretations of events.

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When, for example, Pennock's refusal to accept the "absolute right of the majority" is interpreted as reflecting his "lack of confidence in the good sense of the American people", there is little to remark except to suggest that political theorists might well profit from dusting off the library copy of Mill's *Essay on Liberty* and acquainting themselves with some rather elementary philosophy of democratic politics. If what Mr. Pennock is doing is criticized as a return to the philosophical enterprise of the eighteenth and nineteenth centuries, then it is a revival we might all very well attend. It would be quite inadequate, however, to leave the impression that Mr. Pennock is limited to this historical heritage. His speculative enterprise is of our own day; to mention but one instance, I was particularly interested in his perceptive recognition that institutions provide the continuity of process amid fluctuations of individual opinions and sentiment, thereby suggesting a problem for analysis toward which democratic theory has been traditionally negligent.

GLENN NEGLEY

DUKE UNIVERSITY

The Era of Good Feelings. By GEORGE DANGERFIELD. New York, Harcourt, Brace and Company, 1952.—xiv, 525 pp. $6.00.

George Dangerfield is the first historian, since Frederick Jackson Turner published his *Rise of the New West,* to treat comprehensively and as a distinct unit the period of American history between the War of 1812 and the election of Jackson in 1828.

That this period should wait so long for a new analysis is very understandable. It is complex and diverse, even baffling and paradoxical. National feeling vied with sectionalism, an expanding agrarian order was being supplemented by industrialization, an old oligarchy was being challenged by a new democracy, liberal ideas about trade were competing with survivals of an older mercantilism. Furthermore, European influences vied with continental ones, as Mr. Dangerfield makes clear in several chapters which show the great shift in thinking since Turner's day. On all these subjects the author has something to say, thanks to a careful reading of much of the work done since that time by a large number of American, British and Canadian writers. The result is a familiar story, if one is at all acquainted with the literature dealing with this transitional period.

In handling this era, Turner organized his material around the growth of the newer West and its effect upon the nation. Mr. Dangerfield views the same period in a different light. He states that

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his big theme is the shift from Jeffersonian to Jacksonian Democracy, from the idea that that government is best which governs least to the conception that government should intervene on behalf of the poor and the lowly. This shift is identified as the "agrarian" ideal (p. xii), which he insists is not incompatible with laissez faire.

This theme indicates familiarity with the Dorfman-Schlesinger controversy over the rôle of laissez faire in the United States before the Civil War, but no familiarity with the major contributions of Oscar Handlin and Louis Hartz to clarifying the relations between government and economy in Massachusetts and Pennsylvania. As a result, Mr. Dangerfield has been unable to incorporate into his work important refinements of his theme, which indicate that state governments were decidedly interventionist, not so much to aid the poor directly but, by encouraging private enterprise, to enrich the community as a whole, and which indicate too that, if a laissez-faire pattern was developing at all, it was associated with federal rather than state government. Failing to see these important distinctions, the author has stated his theme in a confusing and unsatisfactory way. Furthermore, the statement that interventionism was an "agrarian" ideal is open to question. Aiding the poor by a kind of intervention reconcilable with classical economics sounds suspiciously like the program of the English radicals of this period. If this is the case, the use of the adjective "agrarian" is highly misleading.

On minor points, the author does not always reflect familiarity with revisionist interpretations. Open to question are his statements that land greed "forced" us into the War of 1812 (p. 188), that the occupation of the West was the "diaspora of the American Enlightenment" (p. 116), that John Taylor of Caroline was an agricultural liberal (p. 192), that British industrialism was "financed by the spoils of India" (p. 209), and that Louis XVIII at his accession had learned nothing, forgotten nothing (p. 77). Here and there, too, the author indulges in emphatic statements which read very well but too often sacrifice accuracy and balance for the striking phrase.

Despite the book's lack of genuine freshness and originality, it still remains a fine piece of work. Mr. Dangerfield provides an excellent introduction to the period. He writes in a style highly reminiscent of another Englishman, George Otto Trevelyan, who described so unforgettably the American Revolution.

CHILTON WILLIAMSON

BARNARD COLLEGE

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Presidential Succession. By RUTH C. SILVA. Ann Arbor, University of Michigan Press; London, Oxford University Press, 1951.—viii, 213 pp. $3.50.

This book has a threefold interest. It presents an exhaustive review of every shade of opinion which has been held on the subject of presidential succession, from the time of the Constitutional Convention to the present. It warns us that the current provisions, even though enacted as late as 1947, are inadequate to meet various crises which might arise, and may even be unconstitutional. Furthermore, it proposes a persuasive, if debatable, remedy.

Miss Silva recommends that "Congress should create the office of 'Assistant President', whose incumbent should be appointed by the President with the advice and consent of the Senate." This officer could "be designated to act as President in case of the removal, death, resignation, or inability of both a President and a Vice President" (p. 176). The author maintains that such an assistant would be chosen with a view to his possible succession to the office and accordingly would reflect the policies of the Administration. Further, he could relieve the President of various burdens, thus gaining experience in the office—valuable training if he should succeed.

Such a thesis should not be dismissed because of its novelty. Since the founding of the Republic, the procedure of succession has been poorly defined. Miss Silva quotes various authorities who hold that the framers of the Constitution did not intend the Vice President to succeed to the office of President (p. 12). On the other hand, she recognizes that precedent has established that the Vice President does succeed. "Seven Presidents have died in office. On each of these occasions the Vice President took the Presidential oath. And, more important, all seven of these Vice Presidents are almost universally recognized as having been President of the United States" (p. 14).

The first test was in April 1841, when William Henry Harrison died and John Tyler was Vice President. He succeeded as President for the remainder of Harrison's term.

"Exactly who made this decision is uncertain", Miss Silva observes (p. 14). But she concludes that it was probably the opinion of the Cabinet, including the Secretary of State, Daniel Webster (pp. 15-18).

Neither precedent nor law, however, has established effective procedure for succession when a President becomes incapacitated. The Constitution provides that the Vice President shall act in such an instance; but it is a delicate matter to determine at what point indisputable incapacity exists. No Vice President has ventured to take the

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initiative under such circumstances. Garfield lingered for eighty days after being shot by an assassin, but Chester A. Arthur declined to assume presidential powers as long as Garfield was living. Similarly Thomas R. Marshall would not undertake presidential duties during the illness of Woodrow Wilson.

"The Garfield and Wilson cases show that there is need for a means of supplying an active executive when a President is disabled," says Miss Silva (p. 67). That can hardly be disputed, and her proposal of an Assistant President who would act during the disability of a President has merit.

Miss Silva's collateral view, however, that the Vice President of the United States is likely to be an unsatisfactory successor is less convincing. She affirms, "Our system of election does not encourage the selection of Vice Presidents who possess qualifications for the Presidency" (p. 161). That has hardly been the case during the past fifty years, assuming that election determines qualification. Theodore Roosevelt, Calvin Coolidge and Harry S. Truman, though at first Presidents by succession, subsequently were elected.

While at one time the Vice Presidency was regarded as a sop to minority elements in the party, it may be assumed today that the public is well aware of the possibility of succession, and that no party would dare to put a nonentity or an incompetent in the second place of the ticket.

There is a further possible circumstance for which there is no satisfactory procedure—namely, succession if both a President and his succeeding Vice President shall die while in office.

The Act of 1947 provides that after the Vice President the Speaker of the House of Representatives succeeds, and after him the President pro tempore of the Senate (pp. 130, 180-181). Following those two, the Cabinet line of succession prevails.

As Miss Silva points out, however, some details of the Act could lead to great instability (p. 143). For example, there might be no qualified officer from the House or Senate immediately available, and a Cabinet officer would succeed; yet the Cabinet officer would be required to relinquish the presidential office as soon as a Speaker or President pro tempore could qualify (p. 130). The nation has never been confronted with succession beyond that of a Vice President. We live today, however, in a hazardous physical era. Presidents now travel great distances. Even short of possible atomic destruction, the risks have multiplied. Hence, an adequate definition of succession acquires a much greater importance than it has had in the past.

BETHLEHEM, PA. J. C. LONG

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Monetary Policy and the Management of the Public Debt: Their Role in Achieving Price Stability and High-Level Employment. By the JOINT COMMITTEE ON THE ECONOMIC REPORT OF THE 82D CONGRESS. Washington, U. S. Government Printing Office, 1952.—2 Parts. xvii, vii, 1302 pp.

Controversy over an important issue can be pleasantly exciting. Mining is hard work. To get the fun and the value out of the controversy in these volumes, one must mine them. A brief review cannot do the mining job for others, but it can, perhaps, give a prospector's survey of the mine's contents.

The background is familiar to economists. For several years there has been growing concern about the management of our money. We are not, of course, just now learning that inflation is likely to result from an increase in the stock of money. But we are, in a sense, feeling our way in that frontier area of the management of the public debt and its effects on the stock of money. The issues are important, and so we welcome any serious effort, such as this, to extend our understanding. Can we keep the interest cost of the government debt down at levels we like, as taxpayers, without subjecting ourselves to chronic and perhaps large increase in the supply of money? The Federal Reserve has said, "No"; the Treasury, "Let's talk about something else."

But Congress may have the power to get the Treasury to talk about the central issues. It may induce everyone to face up to the issues as competently as possible. Two years ago a subcommittee headed by Senator Douglas tried to do so. Now a subcommittee headed by Representative Patman is trying to do so. In the meantime we have advanced the frontier of our knowledge—Korea and more inflation, then tighter monetary policy, substantial freeing of the government bond market, higher interest rates, and (temporarily?) a cessation of general price increases.

The Patman subcommittee obtained Dr. Henry C. Murphy as its economist to direct the inquiry. His long experience in the Treasury had made him familiar with the issues. In the fall of 1951 the subcommittee distributed questionnaires to the Federal Reserve Board and individual bank presidents, the Treasury, the Council of Economic Advisors, the FDIC and RFC, and the Comptroller of the Currency. In addition it sent questionnaires to bankers, economists, state bank supervisors, life insurance company executives, and United States government security dealers. The volumes reviewed present the replies, or summaries, and the original questions. The full committee is

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now (April 1952) conducting hearings designed to penetrate more deeply into the minds of competent witnesses. These volumes are intended to provide "homework" which, if done, will advance the discussion. They are admirably adapted for this purpose—but committee members and witnesses must be induced to study them seriously.

The answers of federal officials are given completely. The staff has briefed, digested and summarized the other replies. A foreword explains the history and procedures in more detail. Though no reviewer can be certain how well the respondents' views are reflected, my impression is that the staff has done the work well. The result is a vast amount of information and opinion, but also a large amount of duplication, trivia, digression, legalism. The latter make it hard to get the former—hence my earlier reference to "mining". The mass is an impediment to use of the material. There is no index, but a good table of contents.

Each set of questions was somewhat unique. Perhaps they were a bit "slanted"; Representative Patman and Dr. Murphy may, as sometimes alleged, lean toward the Treasury (easy money-low interest rate) position. One set of questions, those about financing small business, were off the main theme, though the replies contain data which some students will find valuable. The central theme is a bigger issue: money, interest and the public debt in our economy. The subcommittee's program, which the questions and answers tried to carry out, included such topics as (a) the relation of credit expansion to general economic expansion, (b) the effects of interest rates in determining the amount of credit, (c) the imposition of special reserve requirements on commercial banks, (d) selective and direct rationing of credit, (e) new types of debt instruments (such as bonds fixed in terms of purchasing power), and (f) the question of Treasury-Federal Reserve relations. In addition government agencies were asked to supply, and did, a large number of legal and historical data, some on topics about which we had little information. There are, for example, data on the operations of foreign monetary systems, bank examination, relations between government agencies, and minutiae such as how much each Federal Reserve Bank, and the Board, spent on mimeographing each speech or brochure.

If there is a predominant theme in the answers it is that money is far from unimportant, that the Treasury has underestimated the effects of its own policies in stimulating inflation, and that the Federal Reserve should be made more, rather than less, independent of political officials. The replies of government agencies have a verbosity and politeness (slipperiness?) which conceal rather than reveal views on

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the crucial issues. As far as I recall, no respondent admits, or concedes that the facts admit, that it (or he) has been wrong. They have, however, given us both data and insight into their thinking. The independent observer who has the time and interest can find in these volumes much useful information and judgment. Since these volumes are tools for the hearings, which we hope will be still more intensive and forthright, their usefulness will probably be enhanced when the hearings are published. The controversy may not be ended, but the area of dispute will doubtless narrow as facts are assembled and examined critically.

C. LOWELL HARRISS

COLUMBIA UNIVERSITY

Inflation and Expansion: Essays on the Australian Economy. By DOUGLAS B. COPLAND. Melbourne, F. W. Chesire, Ltd.; London, Angus and Robertson, Ltd., 1951.—ii, 130 pp. 14*s.* 6*d.*

No one who would understand the present economic situation in Australia can afford to overlook this book. It will provide its readers with a comprehensive grasp of the apparent and underlying factors responsible for inflation in Australia today.

The current crisis confronting Australia has induced its government to introduce many of the anti-inflation measures that appear in Dr. Copland's book. A step not recommended was the government's drastic restriction of all imports.

An over-all import cut of 50 per cent is aimed at with slashes of 80 per cent on many consumer items. This action was prompted by the government's desire to arrest Australia's mounting adverse trade balance. In the last six months Australia has been consuming its sterling balance at the rate of £50,000,000 ($140,000,000) a month, cutting them nearly in half in that period, from about £650,000,000 to about £350,000,000. Meanwhile, Australia has suffered a large decline in export income. Figures issued by the National Council of Wool Selling Brokers of Australia show that, for the eight months to February 29, 1952, the total realizations from wool sold were £222,600,000 contrasted with £435,200,000 in the corresponding eight months of 1950-51. The drop in the average price of greasy wool from 144.6*d.* to 77.02*d.* a pound accounts for the loss of approximately £213,000,000 in export income in this commodity alone.

Professor Copland declared the government's curb of imports an insidious form of economic control which may lead to the destruction of economic liberalism in Australia. He has argued that it was the level

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of incomes that has thrown Australia's economy out of balance. Real adjustment, he feels, can be effected only in the deflation of money income or the depreciation of the currency.

A large part of the economic malaise that has overtaken Australia must be attributed to the recent rôle wool has played in her economy. The wool boom in 1950-51 precipitated a general rise in money incomes; in that year wool price increases raised Australia's national income some 33 per cent. This advanced the ratio of imports to home-produced goods to where for every £3 spent on home-produced goods no less than £1 was spent on imports. This swell in imports continued at a time when export prices were falling and the volume of exports was static or declining and largely explains the dissipation of sterling reserves.

Yet the rise and drop in the price of wool do not entirely explain the processes that have promoted inflation and economic disequilibrium in Australia. The several causes of that inflation are examined and discussed in Dr. Copland's book in a series of essays which are the unamended addresses he delivered to various groups in Australia from April 1950 through April 1951.

In all of these essays he warned against the incipience of the present crisis. It appeared inevitable to him that Australia might suffer economic reverses unless certain measures were employed to halt inflation. Aside from the growth of export income, other inflationary pressures were generated as a result of several post-war developments in Australia. An internal expansion program was launched, centering on such huge projects as the Snowy Mountains Scheme, the Kiewa Hydro Electric Scheme, the Latrobe Valley Project, the Burdekin River Project, and the Callide Coalfield Expansion Plan (p. 101). These public works have required an investment ratio of almost a third of her current national production. In adjusting her external relationship to her position in South East Asia and in accepting a new sense of responsibility in international affairs while stepping up her defense program to meet the contingencies of a possible global war, Australia was consuming another 10 per cent of her annual capital formation (p. 121). Add to this a migration plan involving a yearly ingress of a quarter of a million people and the attendant strain upon an already critical housing shortage plus an increased consumption of consumer goods during a time when Australia's productive output was low. Superimpose upon this scene the unexpected pattern of full employment in the neo-Keynesian sense of " more jobs than people to fill the jobs ". Complicate the situation further by a propensity to what Dr. Copland terms a " milk-bar economy " (p. 123) or the diversion of investment

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and labor to the production of nonessential goods. And inflation mounts.

These essays, as individual chapters of the book, are bracketed within the frame of an introductory chapter that identifies the topics to be discussed and a concluding chapter that presents a plan for remedying Australia's position. Other issues reviewed are price controls, currency revaluation, and the feasibility of a shift from the sterling area to the dollar arena (p. 44).

This book's defects are insignificant in nature. Because the bulk of the volume is a reproduction of successive addresses on related aspects of inflation, the reader encounters irritating repetition of various phases of this subject. Dr. Copland in wishing to avoid any alteration of his original arguments and conclusions in these essays chose to indulge the reader's patience.

This is offset by an exhibition of that same lucid style of prose and vigorous power of analysis that have characterized much of his writing to date. His arguments are forceful and convincing; his criticisms are incisive and cushioned with constructive if often provocative recommendations. As Australia's foremost economist, he draws upon an unrivaled knowledge of the basic problems of Australia's economy seasoned with enviable experience in governmental posts that permits him a practical grasp of the subject. His proposals for improving his country's position reveal, moreover, his awareness of the administrative difficulties related to evolving economic policy under the challenging conditions confronting Australia.

ARTHUR DE GENOVA

STANFORD, CALIFORNIA

The Saar: Battleground and Pawn. By FRANK M. RUSSELL. Stanford, Stanford University Press; London, Oxford University Press, 1951.—xi, 204 pp. $5.00.

The history of the Saar is the history of a borderland and of a border people. For more than five centuries battles have raged over the heads of the people between medieval princes, absolute monarchs and national states for possession of this tiny strip of land. To add to the woes of the Saarlanders, not only has their territory been a strategic prize, but the very soil beneath their feet has been sought for its natural riches in coal. States on both sides of the Saar have sought to prove that the Saarlanders favored the particular claims advanced by each. Finally, the Saar people were the subjects for fifteen years of one of the first major experiments in international rule at the end

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of which they were permitted to choose the Power they wished to rule over their destinies.

It is the story of this attempt at an objective settlement of the Saar problem with which Professor Russell's volume is chiefly concerned. He reviews the history of the Saar Governing Commission, from its inception at the Paris Conference until the final decision of the plebiscite of 1935. Looked at in retrospect, the Governing Commission achieved remarkable results, in the face of almost superhuman difficulties. Against it were a hostile people, the government of defeated and embittered Germany and, all too often, an indifferent League of Nations. Had the members of the Commission been the wisest and most experienced of governors (and they were not) they could hardly have escaped censure; the miracle was that they were able to manage the affairs of the Saar as well as they did. They had to conciliate three masters simultaneously, the League, the Saarlanders and France; and no decision could be expected to please them all.

With the wisdom of hindsight it is easy to regard the Saar experiment as useless and unnecessary. There was never at any time doubt as to what the result of the plebiscite of 1935 would be, except in the minds of a few die-hard French nationalists. The plan for international rule was at best a compromise between the Wilsonian concept of national self-determination and the legitimate French claim to reparation. Yet it proved that a government appointed by an international body could work and that the people could freely choose, by a fairly administered plebiscite, the nation under whose rule they wished to live.

But the story of the Saar does not end with the plebiscite of 1935. Here is where the present volume is most gravely deficient. Of some hundred and thirty pages of text, only twenty-five are devoted to the Saar problem today. Yet the Saar is equally as important in Franco-German relations, and indeed in the over-all European question, as it was in 1919. The French have sought to erect the Saar into a quasi-independent state, apparently with the full compliance of the Saarlanders. The area now possesses a constitution and a government—the outward forms of a state—but lacks totally the substance beneath it, independent control of its policy. Quite correctly, Professor Russell feels that no final statement can yet be made on the question of whether or not the situation reflects genuine acquiescence by the Saarlanders or simply opportunism. But in the reviewer's opinion the author might well have ventured the judgment based on ample evidence in the earlier period that, given an equal choice, the people of the Saar would gladly turn to the heritage of their German culture

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and background. It may be that the force of events in Europe will prevent the Saarlanders from regaining German rule for many years, but, if and when that time comes, no amount of political independence offered by France will offset the call of the fatherland.

Professor Russell retells the story of the Governing Commission clearly and objectively, but he adds little that is new. In his over-brief treatment of the period since 1945 he misses an opportunity for a close study of Franco-Saar relations which might shed considerable light on the future of the Franco-German problem in the construction of a United Europe. The value of the book is greatly enhanced by the addition of a documentary appendix which includes the new Saar constitution.

L. GRAY COWAN

COLUMBIA UNIVERSITY

Communism in Western Europe. By MARIO EINAUDI, JEAN-MARIE DOMENACH, ALDO GAROSCI. Ithaca, Cornell University Press, 1951.—xii, 239 pp. $3.00.

This volume is the first of a series devoted to the political, economic and constitutional problems of post-war France and Italy. The two case studies on the French and Italian Communist parties, presented here, while extremely valuable by themselves, gain still more in interest by their juxtaposition. If there prevails sometimes the impression that Communist parties the world over are but carbon copies of a Moscow-designed original, the detailed studies by Mr. Domenach for France and Mr. Garosci for Italy dispel such a notion. Both the differences and similarities of historical developments, of appeal to various classes and groups, of leadership and even of tactics are highlighted by the contrast which the two essays afford.

Since the editor, Professor Einaudi, has wisely refrained from imposing on his collaborators strict adherence to a specific approach, both papers vary considerably. Jean-Marie Domenach, prominent among the liberal-Catholic writers of his country and editor of the significant magazine *Esprit,* is much more interested in the sociological rôle of the Communist movement and in the theoretical implications of Leninism turned Stalinism, than his merely historically inclined Italian colleague, a veteran of the *Giustizià è Libertà* movement of Mussolini's days.

On the whole this makes the part of the book devoted to France more sophisticated and generally significant. Compared with it the contribution by Mr. Garosci reads rather like a, however competent, historical narrative which could serve as a useful background for the

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analysis of the problem created by communism in present-day Italy. The analysis however is never quite forthcoming. One might also regret that the rich bibliographical references such as they are contained in Mr. Domenach's paper are almost entirely absent in the chapters concerned with Italian developments. In part this defect is remedied by the model bibliographical note appended to the volume and annotated by the editor.

All of the studies, including the introductory essay by the editor, illustrate abundantly why communism in Western Europe cannot be assessed solely as an ordinary "party" organized for the political struggle, nor merely as a "conspiracy" preparing for the seizure of power. Developing a machine as complex as the state which it seeks to attack everywhere, the Stalinist parties are equipped to form a society within the existing order against which it is engaged in permanent and total warfare. The building of the machine and the growth of Communist action among the industrial workers, the peasantry, the youth, women and intellectuals are described by both the French author and the Italian author with great precision and in many an illuminating detail. In the description by Mr. Domenach one detects occasionally feelings tantamount to admiration, not for Communist philosophy and contempt of truth, but for ability to combine the rigorous orthodoxy of a religious sect with a successful concern for effectiveness, indispensable to a major political movement.

The American reader might be struck by the relatively small place which the authors reserve to cynicism and vulgar ambitions in their explanation of Communist ascendancy. The European authors have a point, when they refuse, at least implicitly, to explain the successes of a movement which in their respective countries attracts still one fourth to one third of the electorate merely in terms of Soviet subsidies or crushed egos. The most striking analogies between the French and Italian movements suggest themselves where the essays discuss the way in which Communist propaganda uses authentically "native" traditions of radicialism and even of nationalism for the ends of not less authentically foreign interests.

Probably because of their own background both authors are best in their description of the attractiveness of the Communist movement for the intellectuals and in their characterization of such prominent leaders as Thorez, Gramsci and Togliatti. Their discussion of the Communist domination of the trade-union movements and of the strong inroads the party has made among the peasants of both countries fails to make significant distinctions and to answer some of the pertinent questions: how have the Communists been able to overcome

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the syndicalist traditions of the French labor movement? why have the Catholic trade unions in Italy had more success in undermining Communist strength than their French counterpart? why does the French party succeed in mobilizing the sympathies of the farmers in the most backward rural areas of their country, while their Italian comrades' influence diminishes in the barren regions of the South? Here more detailed studies will be necessary to explore fully the reserves of strength and the possible failures of totalitarian propaganda and organization.

In his excellent introduction Professor Einaudi undertakes to seek out the common denominator of present-day French and Italian communism. Yet in doing so the author cannot help but provide a broad pathology of society and politics in the two countries: "France and Italy today are suffering from their failure to moderate the sense of hostility and contempt towards the state . . . hostility, because of the gulf which is believed to exist between the actions of the state and the interests of the community; contempt, because of the obvious obsolescence of the tools of government" (p. 13). Hence Mr. Einaudi concludes that an absorption of communism in France and Italy can be expected only if and when the unification of Europe, the transformation of ECA expenditure from the consumer to the capital type, the Schuman Plan and similar developments have created the framework of a modern society.

It appears to be the common belief of the three co-authors that only by a rebirth of the concept of common welfare can a strong and much-needed non-Communist Left come into existence. Otherwise it will be impossible to break the vicious circle by which in the past anti-Communist feelings have divided the two countries between communism, claiming to monopolize opposition to the *status quo*, and anti-communism which by moving progressively toward the right lends authenticity to the Communist claims.

HENRY W. EHRMANN

UNIVERSITY OF COLORADO

The Eastern Zone and Soviet Policy in Germany, 1945-50. By J. P. NETTL. London, New York, Toronto, Oxford University Press, 1951.—xx, 324 pp. $5.50.

Although more information is available to us about Eastern Germany than about other areas behind the Iron Curtain, the bulk of this information is in the form of propaganda literature, newspapers, periodicals and personal accounts. The attempt to construct the available

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information into a comprehensive pattern has been only partially successful, due to the extreme difficulty of separating facts from propaganda.

J. P. Nettl, in his book, attempts to present an objective study and analysis of the political and economic situation in Eastern Germany between 1945 and 1950. In doing so, he has achieved an important, though not unqualified, success.

The author, a teacher at Oxford and thoroughly acquainted with military government in Germany, deals with two main aspects: the economic situation and the political situation in the Soviet zone. The author's detailed account of German reparation payments to the U.S.S.R. is of great value. His analysis of the economic reconstruction in the Eastern zone, as well as his views on the limited effectiveness of the Land Reform and the Two Year Plan are very useful contributions to the study of the East German economy. He substantiates his views with tables and figures from official and unofficial sources and draws valid comparisons between East and West German economic progress and development.

The author's insight into the workings of the East German economy is, however, somewhat shallow. He makes no mention of the H.O. (Trade Organization), through which the Communist authorities rigidly control the flow of retail trade, and hence of consumers' goods. The *Aktivisten,* or Hennecke, Movement (the German equivalent of the Soviet Stakhanov Movement), which plays a vital rôle in the Communist attempt to increase labor productivity and to rally the support of the working class behind the Communist régime, has received only superficial treatment.

Mr. Nettl's sketch of the reconstruction of government and administration under Soviet occupation is very enlightening, although the author has failed to deal with the structure and organization of the Soviet Military Administration itself. Of particular interest is Mr. Nettl's analogy between Nazi and post-war administrative structures in the Soviet zone.

In his evaluation of the political rôle of the Communist SED (Socialist Unity party), Mr. Nettl fails to assign sufficient emphasis to several important aspects. Thus he makes only a weak attempt to show the impact of the SED on the various classes and groups of the East German population. What is the position of the church and of the intelligentsia in Eastern Germany? What actually occurred at the infamous "Unity" convention in the spring of 1946, when the SPD (Social Democratic party) and KPD (Communist party) were "merged"? Why has the SED failed to rally the support of the

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workers? What are the functions and purposes of the "National Front" movement? What are the connections between the SED and the Communist party in Western Germany, and to what extent are the policies of the latter influenced by the former? What rôle does the Free German Youth play in the political and economic life? How does the SED manipulate bloc politics, elections and constitutional provisions to strengthen its own position? Mr. Nettl's book does not provide the answers, though they are of primary importance for an understanding of the political situation in Eastern Germany.

Among books which deal with the Soviet zone, Nettl's is without doubt the most valuable, reliable, comprehensive and accurate. The author has no special cause to plead and he has cast light on many aspects heretofore unnoticed or unobserved.

JACK FALCON

NEW YORK CITY

The Transportation Corps: Responsibilities, Organization, and Operations. United States Army in World War II. The Technical Services. By CHESTER WARDLOW. Washington, Office of the Chief of Military History, United States Army, 1951; for sale by the Superintendent of Documents, U. S. Government Printing Office.—xvii, 454 pp. $3.25.

Although the eleventh volume to be published in the official history of the United States Army in World War II, this is the first one to deal with the "technical services", with that mysterious realm of Army logistics. In a sense, transportation might be thought of as a secondary concern; interest in it was possible only after there was an army of trained men and a mountain of equipment to transport. But transportation facilities quickly became a crucial bottleneck in World War II. There was a real likelihood at one time after Pearl Harbor that the United States might have far more men under arms and far more equipment for them to use than we or our allies would ever be able to move overseas.

As historian of the Army's Transportation Corps Mr. Wardlow has understandably written primarily in administrative terms, in terms of the Army's organizational structure for handling transportation activities, of the relations with other national and international agencies, and of critical operating problems. Understandably too almost three quarters of the volume is concerned with marine transportation, since it was ocean-going transport which was continually short. American railroads performed admirably, especially as long as the supply and troop orientation was Atlantic-ward. It was only after V-E Day that

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as a nation we suddenly appreciated the fact that America's rail network is concentrated east of the Mississippi and north of the Ohio rivers. Our rail transportation facilities were hard put to move industrial supplies and trained men across the continent for a stepped-up war with Japan. Thanks to the atomic bomb, neither supplies nor men were needed in the Pacific after all in the planned profusion.

As a textbook for the Army student, this volume is undoubtedly an indispensable part of the history of World War II. It will be read and reread in the Army's service schools. With the more general interest of the ordinary student of political, military and economic history, this volume is little concerned. The great substantive issues are all here, but they are noted only in passing.

First of all, there was the impact of transportation factors upon the strategy of the war. This impact was great indeed, and Mr. Wardlow clearly points it out. Second, how was our nation to overcome its limited resources in maritime shipping when confronted with the need of fighting on a global scale? The answer lay in an unprecedented program of ship construction, plus the fortunate circumstance of Allied assistance in meeting our shipping needs.

Third, how were vessels to be operated to meet military needs: by private operators, or by public agency, under civilian or military control and direction? Were the vessels to be manned by sailors under maritime rules and regulations or under military rules and regulations? How were they to be trained, how assigned?

Fourth, how successfully could ocean transport be protected from the enemy hazards of submarine and air attack? Fifth, how large a proportion of ship resources were to be allocated to hauling raw materials or military supplies to our Allies? Sixth, what could be done to insure prompt unloading of ships overseas and rapid "turnaround" time in all shipping operations?

These were the critical problems of ocean shipping during World War II and all of them receive their due acknowledgment from the author of this book. But he has not written primarily about these problems; he has written primarily about how the Army looked at these problems and how it organized to handle them. Within the limits of what he set out to do, Mr. Wardlow has provided a very careful, clear account. The person concerned with the more general problems will have to piece out the story from this and other histories. But the general student will be at least well advised to be familiar with what Mr. Wardlow and the Army have now provided him for his information.

COLUMBIA UNIVERSITY JOHN D. MILLETT

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The Rise and Fall of Hermann Goering. By WILLI FRISCHAUER. Boston, Houghton Mifflin Company, 1951.—x, 309 pp. $3.50.

Historians of the twenty-first century will have a perplexing task in separating fact from fiction to describe the character of the little band of willful men in the immediate entourage of Adolf Hitler. Surrounding the hypomaniacal *Fuehrer* was an assorted collection of human misfits, intellectual midgets who were propelled into the seats of the mighty in what apologetic German historians are already calling "the German catastrophe". The cast of characters included the fawning champagne salesman, Ribbentrop, the fanatical little mouse-general, Goebbels, the sadist with the schoolmaster's face, Himmler, the obscene pornographist, Streicher, and other equally bizarre and eccentric personalities. With shrewd insight and an iron hand, Hitler ruled this ambitious *Gefolge,* playing them off one against the other in his campaign to construct a Reich that would last a thousand years.

Hermann Goering was something special in the Nazi menagerie. Successor to von Richthofen as commander of the famous Flying Squadron, he was one of the romantic German heroes of World War I. He was useful to Hitler as a showpiece in the early days of the Nazi movement—the charming hero with impeccable manners who gave tone and taste to Nazism in its drive for power. His career was meteoric. In the depression after World War I he virtually starved; at the height of Nazi power he was an enormously wealthy sybarite who could not even begin to count his tremendous fortune. A German version of Falstaff, glamorous and magnetic, he provided an adoring public with its choicest stories. Mephisto and Faust, he was a mass of contradictions. He was entranced by the joys of the hunt, but when the King of Italy ordered that animals be forced into a small enclosure so that he could drop them at a shot, Goering turned away in disgust. He loved children, but he fattened on blood purges and concentration camps. Imprisoned for crimes against humanity, he naïvely demanded a "man-to-man talk" with Eisenhower. At the order of the Nuremberg Tribunal, the ashes of this originator of concentration camps, former Prime Minister of Prussia, President of the Reichstag, Field Marshal, Creator and Commander in Chief of the *Luftwaffe,* were thrown into the last remaining incinerator of original Nazi design at Dachau.

All this, and much more, is recounted by Willi Frischauer, an Austrian reporter, who, in 1935, went to England as a correspondent for Viennese newspapers and there found the political climate so agreeable

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that he made it his home. His book on Goering's fantastic life is first-rate, one that will have to be taken into account in any future study of the No. 2 Nazi. Deliberately designed for the mass market, it bears all the well-known marks of the potential best seller. There is no documentation to disturb its readability. But, like the professional historian, the author went directly to the sources. He was the first to be granted exclusive interviews with Goering's widow, the former actress Emmy Sonnemann, after her release from prison. He gleaned first-hand material from former General Karl Bodenschatz, chief of Goering's Ministerial Service, former General Karl Koller, the last Chief of Staff of the *Luftwaffe*, and Robert Kropps, Goering's trusted valet over a period of twelve years. Added to these sources were the author's many years of experience as a war and foreign correspondent.

Among the many important facts revealed by Frischauer was that of Hitler's reliance upon Goering to produce an unconquerable air force which would be Siegfried's arm and which would seal Germany's mastery of the continent. The story of Goering's failure is a dramatic one. As Schacht's successor and as economic dictator, Goering had control of the material to construct an unbeatable *Luftwaffe*. Characteristically, he told the Germans that if a single bomb fell on Berlin they could call him "Herr Meyer". Both Hitler and the lowliest Berliner called him just that when British and American bombs began to rain on Germany's capital.

Hermann Goering began his career as Hitler's showpiece and he ended it as his scapegoat. Hitler, ensconced in his Wilhelmstrasse bunker and leading the life of a troglodyte as he prepared for a Wagnerian twilight, broke into hysteria when he was informed that Goering had made a last-minute abortive attempt to wrest the succession. The enraged, ash-grey Fuehrer ordered his paladin to be shot. Throughout the Nuremberg Trials, Goering protested that he had remained loyal to his chief. It is a revealing commentary on the mentality of the German masses that they were thrilled by the news of Goering's suicide. "Good old Hermann has done it again!" was the delighted reaction.

Frischauer's excellent book bears out Austen Chamberlain's famous comment in the House of Commons: "What is this new spirit of German nationalism? The worst of the All-Prussian imperialism, with an added savagery." Here is further decisive evidence that Hitler's Reich was a brittle structure grounded on quicksand.

Louis L. Snyder

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From Napoleon to Stalin: Comments on European History. By A. J. P. TAYLOR. London, Hamish Hamilton Ltd.; New York, The British Book Centre Inc., 1950.—224 pp. 12*s.* 6*d.*; $3.00.

For his latest book Professor Taylor has brought together "occasional articles" and reviews that first appeared in a number of outstanding English journals, on "the theme which has run through European history since the French revolution—the search for stability in an unstable world." Like his earlier works on German and Austrian history, the value of *From Napoleon to Stalin* varies unpredictably from section to section. In the incisive and interesting writing, one gets throughout the working out of a thoroughly learned and first-rate critical mind; and much of the time his judgments are shrewd. This is particularly true of the essays on Napoleon's "Memoirs", the meaning of the Fashoda crisis, the *Entente Cordiale*, Lord Russell and Lord Salisbury, as well as of his comments on some recent autobiographical apologias. But a few of the pieces—where Taylor becomes involved with some of his preconceptions on German history—are disappointing.

The most inadequate—indeed seriously misleading—pages of the book are those dealing with Bismarck and William II. There is once more the fiction about Bismarck "partitioning" Germany with the Hapsburgs (which leads one to wonder whether Professor Taylor himself, after all, favored a "pan-German" settlement). Nor do I see how one can reconcile the statement (p. 71) that in 1898 "Germany already overshadowed Europe. This was not his [Bismarck's] doing. Increase of population and an unrivalled heavy industry made German greatness inevitable", with the assertion twelve pages later that "What is wrong with Germany is that there is too much of it . . . . This great Germany is a very recent appearance, created overnight by Bismarck." It happens that the former statement is much closer to the truth.

Moreover, Taylor thinks that while Bismarck "could not prevent the Germans from running mad, he lured them into a strait jacket which did not work loose until twenty years after his death . . . . The world owes what has been good in the Germany of the last fifty years to Bismarck's policy" (p. 74).

And of William II he writes that he "was not a ruler; he was a medium. He reflected the political mind of Germany and expressed it with genius." To this I would say that unless we are to have a wholly misleading reinterpretation of Bismarck and William II (as we have been getting of Metternich by Srbik, Viereck, Engel-Janosi,

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and others), we had better ponder Wilhelm Röpke's account of the years after 1871:

> All the means by which this Reich had to be kept alive corresponded with that violent origin [of the Reich], and so did the whole resulting atmosphere—the unceasing high tension at home and in foreign policy, the autocratic method of government, the universal nervous strain, the growing social unrest, the stifling of democratic and liberal elements, the suppression of every marked personality in politics, the growth of socialism and its ruthless persecution; at times, the *Kulturkampf*, the use of every possible intoxicating drug, including the particularly dangerous anti-Semitism; the scramble for colonies, the neurotic character of the foreign policy, particularly under the highly neuropathic Wilhelm II, and the vicious circle of growing mistrust of Germany and correspondingly increasing German jumpiness and indiscretion, a vicious circle that ended in the first World War" (*The Solution of the German Problem*, pp. 157-58).

On the other hand again, Taylor's treatment of the recent memoirs of Flandin, Bonnet, Gamelin, Reynaud, Ciano and Schacht is superb. They are a reminder, however, that the events leading to the Second World War will, in their own way, become as disputed as those which led to the First. When the German historians have regained their composure and "respectability", it will be good to have Professor Taylor reminding us—with his knowledge and perception about this period, and the power of his pen—of the real and sad truths of those years.

FRANCIS L. LOEWENHEIM

PRINCETON UNIVERSITY

Documents on International Affairs, 1939-1946. Vol. I: *March-September 1939.* Edited by ARNOLD J. TOYNBEE. London, New York, Toronto, Oxford University Press, 1951, under the auspices of the Royal Institute of International Affairs.—xxxii, 576 pp. $9.00.

The Royal Institute of International Affairs has resumed publication of selected documents on international relations. The first volume of the new series covers the critical period from the dismemberment of Czechoslovakia to the outbreak of the Second World War.

There is little in this volume that could be called revelation or recent discovery. The main problem for the editor was that of selection and arrangement to keep the volume within reasonable limits. Most of the texts appeared previously in official or semiofficial publications or even in the daily press. They have been carefully revised

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and grouped according to their origin and content. The collection is divided into ten sections and illustrates the various facets and stages of the international crisis leading up to the world conflagration.

The first section with important memoranda from 1936-1938 links the new series with the last pre-war yearbook (1937) as well as with volume 2 of the *Documents* for 1938. Students of international affairs are to be reminded of the latter volume which was prepared by Monica Curtis to illustrate both the annexation of Austria and the Munich crisis. As it appeared in 1943 it was not given enough publicity in the learned journals and is often missing in the libraries. The memoranda which Professor Toynbee decided to publish as introduction to the materials from 1939 shed light both on the Axis diplomacy and on the aggressive plans worked out by Hitler and his military advisers.

The focus of the crisis was in Central Europe, first in Czechoslovakia and then in Poland. But from these two neuralgic spots the rays proceeded into the more remote parts of Europe and in some cases reached other continents. One section of the volume, the ninth, has been devoted to the United States foreign policy from January to July 1939, and the following one relates to the Far East, especially to Japan. A fairly large portion of the book (section VII) deals with the relations between the Soviet Union, Germany, and the Western Powers. The series of pertinent documents opens with extracts from Stalin's outline of Soviet foreign policy on March 10, 1939, and closes with a similar item, extracts from Molotov's speech on August 31, 1939. Most of the documents on the Soviet diplomatic activities during the period in question come from the collection, *Nazi-Soviet Relations* published by the State Department in 1948 from the captured German papers. No colored book was issued in Moscow when the Nazi-Soviet Pact was violated by the more aggressive partner.

The new series of *Documents on International Affairs* is to be more closely connected with the *Surveys of International Affairs* than the pre-Munich set. It is intended for a large reading circle and can serve only as a starting point for detailed studies of events marking the road from the fruitless efforts to save peace to aggressive acts and, finally, to the outbreak of hostilities on the German-Polish front.

The editorial work has been done in that careful, precise and scholarly fashion which students of international relations have come to expect from Professor Toynbee and his assistants.

Otakar Odlozilik

Columbia University

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Lloyd George. By THOMAS JONES. Cambridge, Harvard University Press, 1951.—xiii, 330 pp. $5.00.

Stanley Baldwin once said that it would take ten men to write the life of Lloyd George. David Low once pictured eleven different manifestations of him dictating his memoirs, presumably to his daughter Megan. So far, at least seventeen substantial attempts have been made to estimate him and his career. Now an old Welsh friend, administrative colleague, and distinguished civil servant has proffered an " outline . . . drawn from sources available to the public, and from the author's personal knowledge." To these sources should be added what must have been very valuable access to Lord Hankey's unpublished " The Supreme Command 1914-1918 ".

The product is a modest, quiet and judicious book about a volcanic personality, written for the most part soberly or even didactically, with an occasional epigrammatic sketch of background, as for instance the awakening Wales of Lloyd George's youth and young manhood (pp. 2-6); or a taut, vivid piece of portraiture, as for instance of him as Prime Minister in war (pp. 88-93); or the regretfully precise discussion of what was lacking in his " splendid endowment " (pp. 285-289). The whole adds up to a dependable guide to Lloyd George, to be supplemented in serious enquiry by reference to sources of greater detail.

For the most part controversial matters are so indicated or discussed, and little of importance is scamped. Only rarely does loyalty or political indoctrination seem to override detachment. The " revolutionary " budget of 1909, for instance, was almost inevitable with over 200 land reformers in the Liberal party and with long-established, insistent, fiscal problems, as much local as central, that could be solved only by taxing the increment in land values. In the core of the book (pp. 46-206 covering 1914-22), the author's Liberalism seems to blind him somewhat to the fashion in which the Conservatives began to dominate British politics, perhaps as early as August 1914, certainly long before Lloyd George's fall in 1922. Again, it is doubtful, considering his reputation, his abuse of his party fund, and certain unyielding enmities, that his illness of 1931 robbed him of a comeback to " the highest counsels of the state " (p. 235). On the factual side, it is hard to believe that the French mutiny of 1917 " was kept from the knowledge of both Germany and Britain " (p. 117), for, as a mere noncommissioned officer, I heard it discussed in Macedonia during the spring and met some of its accompaniments head on in Lyon and Paris early in the summer. Finally, how can one argue that in 1919-

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20 " prices were inflated by the sale of enormous quantities of war stores " (p. 195)?

There may be some objections to the proportions of emphasis in the book, not so much, perhaps, to the core (1914-22) as to the meager thirteen pages concerning 1906-14, and to the use of generalization concerning such an outstanding attribute as Lloyd George's skill in settling labor disputes. The same skill in international disputes is more particularized, notably as at Versailles and in the Irish settlement, but the turning point of 1921 in British Far Eastern policy (pp. 182-183) is inadequately dealt with. The author has made his choices of emphasis and stood by them rigorously. Readers may have to turn elsewhere to satisfy some of their curiosities. Welcome attention has been paid to American scholarship, although David Hunter Miller seems to have been overlooked.

Perhaps the greatest distinction of this welcome book lies in its dispassionate portrayal of an enigmatic and phenomenal personality, not only in the final careful summary, but throughout the pages. Lloyd George's vitality, infinite resourcefulness, and relentless drive are on the one hand; his " Caesarism ", pathological " shrinking from disease and death " (for example, W. J. Braithwaite), and ungenerousness on the other. Augustus John's " savage " portrait of him is referred to, although kindlier ones are reproduced. The appropriate motto of this balanced biographical sketch is the embroidered text from Job that hung over Lloyd George's bed: " There is a path which no fowl knoweth and which the eye of the vulture hath not seen."

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Democracy and the Churches. By JAMES HASTINGS NICHOLS. Philadelphia, The Westminster Press, 1951.—298 pp. $4.50.

Within certain limits, this is a useful work, although not free from factual errors and based largely on secondary sources. In particular, Dr. Nichols has produced a compact survey of the Vatican's activities in defense of Fascism that may be painful reading for sincere Catholics, but will serve a useful educational purpose. One cannot help regretting, however, that in comparing the political traditions of the various confessions the author should have so completely neglected theological and cultural factors in favor of what he calls " the folklore of the religious community " (p. 268). No one doubts the importance of forms of church government as models for political in-

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stitutions, but what of the other order of problems of which one example might be the contribution of Anglican semi-Pelagianism to the optimistic faith in progress underlying liberal democracy?

Dr. Nichols' lack of interest in such questions would be no valid ground for criticism did he not show a tendency to consider a mere study of forms as conclusive in itself. Thus, on the basis of a common hierarchical structure he lumps together Catholicism, Orthodoxy, and Lutheranism as equally opposed to " democracy ", as though there were simply no difference between the Catholic church-attempting-to-subjugate-the-state, the Orthodox church-in-the-service-of-the-state, and the Lutheran church-leaving-the-state-alone. " The political impetus and ethic of Orthodox Catholicism, as in Russia and the Balkans," he tells us (p. 9), " has been autocratic." The fact is that except for Russia the political ethic of Orthodoxy is not even collectivist, and that even there it is not autocratic but organic.

Again, apart from his neglect of the problems posed by the political evolution of Scandinavia, Dr. Nichols' stigmatization of Lutheranism as antidemocratic seems particularly out of place at the precise moment when the German church is making noteworthy efforts to assert its independence in the face of rising political pressure from the East and from the West. But, of course, what justifies a church in Dr. Nichols' eyes is, not its political independence, but its contribution to the " Christian tradition of liberal democracy " (p. 284).

Here is the heart of the matter. In a professedly Christian interpretation of politics, one naturally looks for a criticism of society from the vantage point of Faith. Instead, Dr. Nichols offers us a kind of collective report card of the churches, in which they are graded on their good political behavior. Moreover, the author's political judgment is astoundingly inconsistent. A remarkably bold analysis of the economic and cultural origins of Fascism, stating bluntly that capitalism leads inevitably to militarism (pp. 213-214) and identifying political Catholicism with Fascism, is followed by later statements (pp. 274, 277) that " apart from ideological conflicts " communism and Catholicism are more akin to each other than is either to liberal democracy. Just what would either Catholicism or communism *be*, deprived of ideological content? And, in sum, how far can one carry the process of stripping political phenomena of all cultural and economic content and reducing them to pure form? This lack of penetration is the natural consequence of the author's attempt to apply political criteria to religion, rather than religious criteria to politics. How far astray a Christian can be led by such a false approach is indi-

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cated by Dr. Nichols' recommendations for reorganizing American Protestantism which appear to have the sole end of enhancing its influence as a political pressure group (p. 240).

The confusion is worse confounded by the delusion of liberal theology that specifically Christian political constructions are possible. So long as the churches do not abandon their rôle of apologists for *whatever* political system and resume that of prophet and judge, they will continue to wander in the desert.

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BOOK NOTES

In 1900 a little less than 560 million acres of public domain were open to entry and settlement. By 1950 about 170 million acres, most of which were grazing lands, remained open. The balance of approximately 400 million acres is federally owned. How this all came to pass is the thesis of Miss E. Louise Peffer's book, *The Closing of the Public Domain: Disposal and Reservation Policies, 1900-50* (Stanford, Stanford University Press, 1951; xi, 372 pp. $4.50), which takes as its point of departure the Sundry Civil Appropriation Act of 1897 and the Reclamation Act of 1902. As a study in federal land policies the book may very well be quite as important as the well-known monographs of Ise, Hibbard, and Robbins. The greater part of Miss Peffer's story, set against a nineteenth-century background of land policies, deals with the change from the concept of the public domain as an area for settlement of the recently conceived policy of reserving the national lands in the public interest. With consummate skill, the author unravels a tangled story of interdepartmental rivalry, politics, and pressure group activities. Cattlemen and sheep growers were to gain the upper hand in determining the course of land legislation; conservationists, recreationists, and advocates of states' rights contributed in a lesser degree to land policies which virtually ended the era of the open public domain. The author reaches the heart of her subject in her analysis of the forces which led to adoption of the Taylor Grazing Act and its amendments. Western "interests" were not slow in convincing Congress of the supposed injustices of the Act, and, writes Miss Peffer, "Senator McCarran initiated . . . the lengthiest, most concerted, and, in some respects, the most successful attempt made in the twentieth century by one person to force a reinterpretation of land policy more in accordance with the wishes of the using interests" (p. 248). Considerable light is also thrown on jurisdictional feuds and political quarrels arising out of the administration of the public lands. The author takes the traditional view, as revealed by congressional hearings, that Ballinger's "complicity in the Alaska coal-land deal was inconclusive"; but "The case as tried in the press had another outcome: Ballinger was found guilty" (p. 114). (She might have added that Taft accepted Ballinger's resignation as a matter of political expediency.) Of course the book is not definitive. But what book is? It is enough that the author has added a vast

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amount of information to the history of the public domain, and she has opened up new vistas which no doubt will be followed by other competent scholars. Perhaps she should have given some attention to the tedious business of digging out statistical data from the land books and records. But the statistically-minded will not be disappointed in the figures and tables in the appendix of the book. The bibliographer, however, will search in vain for an essay on authorities or for a list of sources.—RUSSELL C. EWING, University of Arizona.

In our day it has again become fashionable to analyze domestic or foreign politics in "realistic" fashion and to emphasize the rôle of power in the political process. Many of the recent exponents of "power politics" have tended to accept, with sorrow or pleasure, certain reactionary conclusions as the implications of their realistic analyses. John H. Herz, however, in *Political Realism and Political Idealism* (Chicago, The University of Chicago Press, 1951; xii, 275 pp. $3.75), avoides this pitfall. In spite of his constant stress on the significance of the ceaseless struggle for power and security in the lives of men and of their groups, he also recognizes a truth which is at least as old as Mencius—that most men feel a sense of compassion when they observe the suffering of another human being. The feeling of guilt that arises in men's minds when the ruthless logic of their drive for security compels them to ignore this sense of pity is the impulse that has driven men in all ages to formulate and to accept idealistic political theories. Mr. Herz separates political philosophies into two main types: Political Realism, which insists "that the nature of politics is fundamentally determined by the struggle for power and power positions among individuals and groups within the various political units . . . and among the units themselves . . ." (p. 24), and Political Idealism, which assumes "that a harmony exists already, or may eventually be realized, between the individual and the 'general' good . . . and that power is thus something that can be channelled, diffused, utilized for the common good, and mitigated, or, perhaps, eliminated altogether from political interrelationships" (p. 43). He surveys the realists' criticisms of various idealist theories of democracy, aristocracy, nationalism, internationalism, laisser faire, and economic collectivism, and notes the inevitable frustration of successive efforts to carry out the principles of idealism and to eliminate force, strife and the tendency toward domination from social relations. He then outlines the principles of a philosophy of Realist Liberalism, founded on a recognition of the facts observed by Realism, but guided by the ethical stand-

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ards of Idealism, " namely, concern for the individual and the free development of human personality, and insistence on the universality of these standards " (p. 227). His aim is to utilize the realist's insight into the natural forces and phenomena of politics in order to counteract those forces and to harness them to the service of the " unnatural " ideal of freedom. The attempt to merge realistic analysis with the promotion of fundamental human values is not an innovation in political theory. It is not surprising, therefore, that Mr. Herz recognizes Spinoza and Aristotle as precursors of his philosophy of the " realizable ideal." One wonders, indeed, whether many of the major figures in the history of political thought would not prove, on examination, to be " Realist Liberals ". Clearly, few of the classics would fall neatly into either of the author's two master categories, Realism and Idealism. The fact that he has focused his survey on political movements and their ideologies rather than on the great theorists may have led him to overemphasize the novelty of his own philosophy. Nevertheless, this erudite study merits the careful reading which its author's somewhat labored style requires.—HERBERT A. DEANE, Columbia University.

The twenty-fifth edition of Walter Mallory's *Political Handbook of the World: Parliaments, Parties and Press as of January 1, 1952* (New York, Harper & Brothers, for the Council on Foreign Relations, Inc., 1952; 229 pp. $3.50) resembles its twenty-four predecessors in format, conciseness and usefulness. The series continues to be the most reliable and compact political chronicle available in the United States. The 1952 volume lists the governmental compositions, political-party leaders and platforms, parliamentary makeup, and control and circulation of the leading newspapers and periodicals in eighty-five countries. It also gives remarkably good short summaries of the recent political events in most of these same states. The sections on the United Nations and the International Court of Justice succinctly describe the organizations, functions and personnel of these international agencies. Three countries appear for the first time, namely, Cambodia, Laos and Libya; and Indonesia has been moved up from a mere brief listing to a couple of pages of its own. It would be difficult, perhaps impossible, to find any trace of bias or partiality in the book; and the reviewer, at least, has not been able to discover any inaccuracy. A copy of this silver-anniversary edition of the handbook should be on the desk or within easy reach of every editor, teacher, student, and intelligent reader interested in the world of which he is a part.—WALTER CONSUELO LANGSAM, Wagner College.

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Ibn Khaldun's *Prolegomena*, called by Toynbee "the greatest work of its kind [philosophy of history] that has ever yet been created by any mind in any time or place," is available in English only in the volume of selections under review—*An Arab Philosophy of History: Selections from the Prolegomena of Ibn Khaldun of Tunis (1332-1406)* (London, John Murray, 1950; xiv, 190 pp. 6*s*.; $1.50), translated and arranged by Charles Issawi. That simple fact reflects on English-speaking Arabists—there has long been a complete French translation—and guarantees interest in this book. Mr. Issawi, a lecturer on Arab affairs at Columbia whose native tongue is Arabic and who has written the standard socio-economic analysis of modern Egypt, is admirably qualified to translate ibn Khaldun. The translation, preceded by a succinct introduction to ibn Khaldun's life and work, is distinguished by clarity and by a modern tone which, nevertheless, does not sacrifice accuracy. Issawi divides the selections, which are as representative as possible considering that they are only a fraction of the length of the original, into nine chapters on: method, geography, economics, public finance, population, society and state, religion and politics, knowledge and society, and ontology and epistemology. One objection to Dr. Issawi's classification is that less than half of the chapter entitled "Geography" is actually concerned with that subject. A bibliography and an index complete the work. Attractive and legible, the book contains few typographical errors though *Muqadimat* (p. 7, n. 1) for *Muqaddimat* and *tagallub* (p. 79, n. 1) for *taqallub* are noteworthy. Another minor objection is that some of the page reference to the original are misleading. Ibn Khaldun's stature rests on his remarkable powers to observe, describe, and generalize from those societies of which he was aware, namely Muslim societies, contemporary and past. He analyzes in a strikingly modern way many of the problems which still agitate social scientists and historians. Society, he says, is necessary because the individual cannot provide for his material needs. The state, as with Hobbes, is necessary to restrain man's natural aggressiveness—a restraint which must be imposed by one man, the sovereign. However, ibn Khaldun minimizes the actual sovereign, for "the real force which operates on society is solidarity and power, which persists through [successive] rulers." Ibn Khaldun's analysis of societies' regular cycles and his emphasis on group solidarity as the necessary condition for founding a state represent perhaps his greatest contributions. This reviewer is confident that anyone interested in such problems who reads even these brief selections will be awestruck by ibn Khaldun's genius, considering his century, and, more important, will be stimulated by his ideas.—R. BAYLY WINDER, Princeton University.

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In *The Russo-German Alliance, August 1939-June 1941* (Boston, The Beacon Press, 1951; xiii, 218 pp. $2.75), Mr. A. Rossi has made excellent use of the published "Wilhemstrasse" papers, as well as many unpublished documents from the same source. In addition, he has employed the evidence collected by D. C. Poole in his interrogation of responsible Nazi leaders, and the important Nuremburg Trials documents, published in *Nazi Conspiracy and Aggression* (Washington, 1946-47). Some of the most interesting sidelights in this study are derived from such revealing personal documents as *Ciano's Diary 1939-1943* (1947). The author concedes that it is not yet possible to write a full history of Nazi-Soviet relations, but he believes, and the reviewer concurs, that enough evidence is now available to permit certain conclusions to be drawn. Mr. Rossi states that Stalin's decision to avoid the impending world war, and to reach an agreement with Germany in fulfillment of this aim, dates from March 10, 1939, at the latest. The discussion in support of this conclusion (chapter ii) is, perhaps, the weakest portion of this otherwise excellent book. In view of the equivocal nature of Stalin's speech of March 10, 1939 to which the author is referring, it is difficult to accept his view that this point is definitely established. One of the major weaknesses in Mr. Rossi's argument is his total neglect of such factors as "Munich", and the Soviet purge trials, as possible factors influencing the negotiations, or lack of them, between the West and the Soviet Union. E. H. Carr, in his recent book *German-Soviet Relations between the Two World Wars,* suggests (p. 128) that the British unilateral guarantee to Poland of March 31, 1939 may have been the turning point in Soviet policy. It is interesting to note that, whereas Mr. Rossi stresses the Soviet desire to avoid participation in the war as the crux of her policy, Mr. Carr stresses the Soviet fear of isolation (p. 135). Mr. Rossi seems to be bringing prejudice to bear, when he is content to state (p. 147) that Stalin "was no longer interested in collective security" without once mentioning Western appeasement. Far too many people in the West have been inclined to forget that Soviet participation in the anti-Hitler coalition was not the result of Soviet policy. Short human memories were made even shorter by the Soviets' description of themselves as anti-Fascists, who could never have supported the Axis, and they would point to their ideology and anti-imperialist tradition. Mr. Rossi brings an impressive amount of evidence to bear in support of the following conclusions, which should destroy the illusions of the die-hards once and for all. (1) "Political collaboration between the U.S.S.R. and Germany was very close between the end of August, 1939, and the summer of 1940. It was shown, in particular, by the attitude adopted by all the political parties belong-

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ing to the Communist International. Their campaign was directed exclusively against Britain and France, their activities ranging from 'neutrality' in Germany to defeatism and sabotage of the national defence and the war in France" (p. 210). (2) "The break between Hitler's Germany and Soviet Russia was a break between two imperialist programmes. It had its origins in the . . . conflict of interests over the Balkans and the Dardanelles. . ." (p. 212). (3) "The German-Soviet war was the outcome of a unilateral decision on Germany's part, since Russia had done everything to avoid it. Russia joined the democratic front in June, 1941, simply and solely because Germany forced her to do so at the point of the sword" (p. 212).—SEYMOUR ROTTER, The University of Chicago.

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